

# SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1966

No. 430

JAMES SAILORS, ET AL., APPELLANTS,

vs.

THE BOARD OF EDUCATION OF THE  
COUNTY OF KENT, ET AL

APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN

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**UNITED STATES OF AMERICA**  
**IN THE DISTRICT COURT OF THE UNITED STATES**  
**FOR THE WESTERN DISTRICT OF MICHIGAN**  
**SOUTHERN DIVISION**

Civil action no. 4480

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**JAMES SAILORS and LORETTA SAILORS; SEYMOUR KONING and MILDRED KONING; GRAZZI MULLAY and ROSALIE MULLAY; and THE BOARD OF EDUCATION OF THE CITY OF GRAND RAPIDS, a second class school district, Plaintiffs,**

**vs.**

**THE BOARD OF EDUCATION OF THE COUNTY OF KENT and VICTOR WELLER, DEWEY JAARSMA, MARY I. KEELER, RUSSELL EMMONS and C. B. LEAVER, as members thereof, and THE KENTWOOD PUBLIC SCHOOLS, a school district of the fourth class, Defendants.**

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**COMPLAINT—Filed February 15, 1963**

**The Plaintiffs say:**

1. This action arises under the Fourteenth Amendment to the United States Constitution, and Sections 1981 and 1983 of Title 42 of the United States Code, as hereinafter more fully appears. Jurisdiction is conferred on this Court by 28 U.S.C. Sections 1331 and 1343, and the amount in controversy exceeds Ten Thousand Dollars (\$10,000.00).

2. Prior to December 31, 1962, plaintiffs James Sailors, Loretta Sailors, Seymour Koning, Mildred Koning, Grazzi Mullay and Rosalie Mullay were resident-electors and free-

[File endorsement omitted]



holders of the Township of Paris, and school-electors of the Kentwood Public Schools, a school district, but were annexed on that date to the City of Grand Rapids pursuant to resolutions of the Board of Supervisors of the County [fol. 2] of Kent (See certified copies of resolutions of the Kent County Board of Supervisors dated December 6, 1961, and attached hereto as "Exhibits A and B") and a favorable vote of the electors of the areas annexed (See certified copy of report of County canvassers attached hereto as "Exhibit C") held on February 19, 1962.

3. In annexing to the City of Grand Rapids said individual plaintiffs were thereby annexed to the School District of the City of Grand Rapids, a school district of the second class, and said individual plaintiffs are electors of the City of Grand Rapids and school-electors of the school district of the City of Grand Rapids.

4. Defendant Kentwood Public Schools, a school district, did on the 1st day of January, 1963, adopt a resolution requesting The Board of Education of the County of Kent to summarily and without voter approval detach the areas so annexed as set forth in paragraph 2 and in "Exhibit C", including the areas in which the individual plaintiffs herein reside. (A copy of said resolution is attached hereto as "Exhibit D")

5. Thereafter and commencing on January 29, 1963, the individual defendants acting in their capacity as The Board of Education of the County of Kent accepted such resolution of defendant Kentwood Public Schools, a school district, and in pursuance of Act 269 of the Public Acts of 1955 as amended commenced to receive information in support thereof and have announced their intention to render a decision thereon on February 25, 1963; which will violate the individual plaintiffs' civil rights.

6. That Chapter 8, Part I of the School Code of 1955 as amended (specifically Section 15.3294 of Michigan Statutes Annotated; Section 340.294 of the Compiled Laws of 1948)

[fol. 3] and Chapter 5, Part II of the School Code as amended (being Section 15.3291 Michigan Statutes Annotated and Section 340.291 of Compiled Laws of 1948) are violative of the provisions of the 14th Amendment of the Constitution of the United States and the provisions of Sections 1981 and 1983 of Title 42 of the United States Code.

7. That Chapter 8, Part I of the School Code of 1955 (Michigan Statutes Annotated Section 15.3294; Section 340.294 of Compiled Laws of 1948) providing for the election of members of the County Board of Education is in direct violation of the Constitution of the United States and of Title 42, Sections 1981 and 1983 of the United States Code; that said Act provides for a unit system for the election of county School Board members which invidiously discriminates against the individual plaintiffs herein who are school-electors of plaintiff School District; that the unit vote which plaintiff School District has at the annual meeting does not bear a reasonable relation to its population; that as a result the plaintiff School District and the individuals herein who are school-electors thereof, are denied the equal protection of the law; that said invidious discrimination consists of the following:

(a) That under the provisions of said Act (15.3294 M.S.A.) each school district in the County of Kent (including primary and fourth class) has one vote irrespective of its size, population, valuation, school census or school membership; that in the County of Kent there were, on July 1, 1961, fifty-six school districts, each having one vote (See Section "H" page 4 of the last Annual Report of the Kent County Board of Education, dated June 30, 1962, and attached hereto as "Exhibit E"); that the total population of [fol. 4] the County of Kent is 363,187 and the population of the plaintiff School District is 201,777; that the plaintiff School District has 55% of the population of the total county but has only one vote in the election of County

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School Board members who pass upon problems and finances, vital to the existence of plaintiff School District and to the individual plaintiffs who are residents of said district. (See certified copy of the official census attached hereto as "Exhibit F");

(b) That under the provisions of said Act (15.3244 Mich. Stat. Ann.) the vote of each primary, fourth class, third class, and second class school district is given equal weight in the election and selection of members of the Kent County Board of Education notwithstanding a great disparity in the populations of the several school districts, more particularly as follows:

That Ashley School District 6th fractional has a population of 145 people and one unit vote; Boyd School District No. 10, Alpine Township has a population of 191 and thereby has one unit vote; Dodge School District No. 3, Gaines Township has a population of 117 people entitling it to one unit vote; Hoag School District No. 8, Solen Township has a population of 111 people entitling it to one unit vote; Nelson Center School District No. 6, Nelson Township has a population of 99 people, thereby entitling it to one unit vote while the School District for the City of Grand Rapids has a population of 201,777 and has but one unit vote.

[fol. 5] (c) That plaintiff School District of which individual plaintiffs are freeholders and tax payers did, for the year July 1, 1960, to June 30, 1961, have a property valuation of \$605,528,136.00 of a total county wide property valuation of \$1,147,515,378.00 (See pp. 14-16 of "Exhibit E") or 52.77% of the total valuation for said county, but said School District had but one vote out of 56 school districts (July 31, 1961) in electing County School Board members who are vested with authority under the provisions of Chapter 5, Part II of the School Code of 1955 (Michigan Statutes Annotated Sections 15.3461 and 15.3465; Section 340.461-5 of Compiled Laws of 1948) to emasculate said school district;



(d) That on May 31, 1962, the total school census for the County of Kent was 154,665 of which the plaintiff School District, of which the individual plaintiffs are residents, had 76,302 (See page 17 of "Exhibit E") and as of that date the plaintiff School District had 49.3% of the total school census of the 52 school districts of the County in existence on that date, but under the provisions of Chapter 8, Part I, C.L. 340.291-340.294, M.S.A. 15.3291-15.3294 it had but 1/52 (viz. 1.92%) of the voting strength, as of May 31, 1962;

(e) That the plaintiff School District, of which the individual plaintiffs are residents and parents of school age children, has a myriad of problems unlike those of most of the primary and fourth class school districts (of which there were 49 as of September 29, 1961, see p. 20 "Exhibit E"); that their solution depends upon the understanding, sympathetic appreciation and knowledge of those who pass upon its fate, but that its representation on the Kent County Board of Education is determined by the unit votes of school districts having less than 200 students in their districts (See page 17 of "Exhibit E");

[fol. 6] (f) That the voting strength of the individual plaintiffs is in such contrast with that of the electors in districts having less than 200 students as to discriminate invidiously and dilute their right to express themselves at the ballot box (See "Exhibit G" an extract from "Exhibit E") and deprives them of an impartial tribunal in determining matters of great consequence.

8. That the transfer provisions of the School Code of 1955, Chapter 5, Part II (15.3461 Michigan Statutes Annotated; Section 340.461 of Compiled Laws of 1948) are invalid, void and unconstitutional as an illegal, improper and arbitrary delegation of legislative power to a subdivision of the State because no standard, guideline, or yardstick has been provided for it to follow; that said Board of Education of the County of Kent, through which the in-

dividual defendants render decisions, illegally constituted through and by the unit vote of a minority of population and valuation is invested with unlimited authority to transfer at will by whim and caprice valuable properties of the individual plaintiffs to another school district as long as it does not detach more than 10% of the taxable valuation of the individual plaintiffs' entire school district at one time.

9. That the transfer provisions<sup>2</sup> of the School Code of 1955, Chapter 5, Part II (Section 15.3461 M.S.A.) are invalid and void and unconstitutional and are in violation of the due process clause of the 14th amendment because the State Legislature does not possess the power to force residents and property into adjoining municipalities and school districts without preserving to the residents and electors thereof the right to the ballot; that said individual plaintiffs joined plaintiff School District through their voting franchise; that the State of Michigan through its Legislature [fol. 7] does not have the unrestricted power to delegate to illegally constituted tribunals the right to reorganize, destroy, contract political and education districts through the exercise of their caprice.

10. That Chapter 8, Part I of the School Code of 1955 (Michigan Statutes Annotated 15.3294; Section 34.294 of the Compiled Laws of 1948) and more particularly the transfer provision of said School Code (Chapter 5, Part II; Section 15.3461 of Michigan Statutes Annotated; Section 340.461 of Compiled Laws of 1948) contain invalid delegations of legislative power, investing administrative officers with arbitrary power, in contravention of the provisions of due process and equal protection clauses of the Constitution of the United States as contained in the 14th Amendment thereof.

11. The transfer provisions of the School Code of 1955, Chapter 5, Part II are invalid, void and unconstitutional and in violation of the due process clause of the federal constitution in that no reasonable notice to interested

parties is required or provided for, and no provision is made for an opportunity for interested parties to be heard or offer evidence; no provision is made for cross-examination of adverse witnesses; no provision is made for witnesses to be sworn or for exhibits to be properly marked and identified; no provision of any kind is made for reasonable rules of procedure to guarantee interested parties a fair hearing; all of which denies the plaintiffs of their right to procedural due process of law.

12. Plaintiffs are without any adequate remedy at law. The individual defendants comprising the Board of Education of the County of Kent are expected to render a decision [fol. 8] on or before the 25th of February, 1963, which will result in irreparable loss and damage to these plaintiffs and to local governmental units as follows:

(a) Taxing authorities will be thrown into utter confusion in their assessment and compilation of property taxes and citizens, including the individual plaintiffs, will be at a loss to know or comprehend which school taxes should be paid; and if the status quo is not preserved, large numbers of tax payers, including individual plaintiffs herein, will be forced and required to pay their taxes under protest.

(b) The tax collecting authorities of the City of Grand Rapids will be unable to determine whether they are required to collect taxes for plaintiff School District or defendant Kentwood School District unless the status quo is preserved.

(c) Individual plaintiffs have children attending schools at the present time, now within the plaintiff School District and under its control, who would be tossed back under the control of defendant Kentwood Public Schools, a school district, by an adverse decision of the individual defendants, members of the Board of Education of the County of Kent, and later back to the plaintiff School District when the merits of plaintiffs' claims have been fully heard.



(d) Plaintiff School District will not know whose duty it is to educate individual plaintiffs' children and numerous others, and will not know whether plaintiff School District is entitled to State aid and reimbursement for such children, and will not know whether it is or is not entitled to the use of and responsible for the educational facilities situated in the areas made subject to the demands of defendant Kentwood Public Schools.

[fol. 9] (e) The educational processes, facilities, teachers, and system is designed for the benefit of children who will be subjected to great confusion, chaos, instability, emotional strain and interference if they are transferred back and forth.

(f) That to permit the said individual defendant members of the Board of Education of the County of Kent to render its illegal and constitutionally invalid decision will result in an excessive tax burden being imposed upon the individual plaintiffs who reside and pay taxes in the areas sought to be transferred; that such tax burdens will be unconstitutional and in violation of the law and in deprivation of constitutional rights of the individual plaintiffs.

(g) That the *status quo* should be preserved permitting an orderly and objective review of the merits of plaintiffs' claims and assertions.

Wherefore, the plaintiffs pray:

I That the Board of Education of the County of Kent and the individual defendants, who are members thereof, be, under the provisions of Rule 65 of the Federal Rules of Civil Procedure, enjoined from:

(a) Assuming jurisdiction and authority of the question of detaching the areas referred to in "Exhibit D" from the School District of the City of Grand Rapids and attaching the same to the Kentwood Public Schools;

(b) Conducting any further hearings in connection with same, which began on January 29, 1963;.

(c) From rendering a decision or making any order in connection with said transfer petition.

II That the defendant Kentwood Public Schools, a school district, be under the provisions of Rule 65 of the Federal Rules of Civil Procedure enjoined from:

[fol. 10] Pursuing its petition or request as contained in "Exhibit D".

III That the Court enter a declaratory judgment that the transfer provisions of the School Code of 1955, namely, Chapter 5, Part II, of said Act, are unconstitutional, invalid, void and a nullity, and that an injunction issue in accordance therewith enjoining the defendants from exercising any jurisdiction or authority to purport to act by virtue of said invalid and unconstitutional provisions.

IV That the Court enter a declaratory judgment that the provisions of Chapter 8, Part I of the School Code of 1955, and especially Section 294 thereof, are invalid and unconstitutional, and declare that the defendant the Board of Education of the County of Kent of which the individual defendants are members is unconstitutionally constituted, and to enter an injunction as follows:

(a) Enjoining the Board of Education of the County of Kent and the individual defendants, who are members thereof, from exercising any jurisdiction or authority whatever until the further order of this Court;

(b) Enjoining any subsequent election by virtue of such void, invalid and unconstitutional provisions;

(c) Enter a mandatory injunction requiring that in any election under a unit system each unit or school district be given and awarded a vote based upon its share of the population, school census or school membership, at any election for membership of defendant the Board of Education of the County of Kent;

(d) That the Board of Education of the County of Kent and the individual defendants, who are members thereof, and Kentwood Public Schools, a school district, be ordered to show cause at a time and place to be designated by the Court why they should not be enjoined and restrained from exercising jurisdiction or authority and from pursuing any further action in connection with the proposed transfers or in connection with any other of the powers and duties pre-[fol. 11] scribed by the School Code of 1955 and during the pendency of this suit, or until the further order of this Court;

(e) That the plaintiffs have such other and further relief to which they may be entitled.

Dated this 12th day of February, A.D. 1963.

James R. Sailors; Loretta Sailors; Seymour Koning; Mildred Koning; Mr. Grazziano Mullay; Rosalie Mullay.

Joseph P. Van Blooys, President, The Board of Education of the City of Grand Rapids, a second class school district.

Dutchess, Mika, Miles, Meyers, Merdzinski & Snow, By Wendell A. Miles, Attorneys for Individual Plaintiffs. Of Counsel for The Board of Education of the City of Grand Rapids, a second class school district, 311 Waters Building, Grand Rapids 2, Michigan.

McDonald & Anderson, By Roger D. Anderson, Attorneys for The Board of Education of the City of Grand Rapids, a second class school district, Of Counsel for Individual Plaintiffs. 1107 Michigan National Bank Bldg., Grand Rapids 2, Michigan.

*Duly sworn to by James Sailors, et al., jurat omitted in printing.*

[fol. 12] *Duly sworn to by Joseph P. Van Blooys, jurat omitted in printing.*



[fol. 14]      **EXHIBIT "A" TO COMPLAINT**

**RESOLUTION BY SUPERVISOR DICKINSON:**

**WHEREAS**, certain petitions have been addressed to the Board of Supervisors, Kent County, Michigan signed by the requisite number of qualified electors and freeholders residing in the City of Grand Rapids, and in the Township of Paris for the purpose of annexing to the City of Grand Rapids and detaching from the Township of Paris that territory, the detailed description of which is hereunto annexed, marked Exhibit "A", and made a part hereof, and said descriptions further appearing in detail on said petitions as filed with this Board, and said property being adjacent to the City Limits of the City of Grand Rapids, and

**WHEREAS**, it appears to this Board of Supervisors that all of said petitions are in due and proper form and conform in all respects with the State law concerning proceedings for annexation as set forth in Act 279 of the Public Acts of 1909, as amended, and

**WHEREAS**, it appears that said petitions have been filed with the Clerk of the Board of Supervisors more than thirty (30) days prior to the convening of the Board of Supervisors on the opening day of this meeting, and

**WHEREAS**, in conformance with Act 279 of the Public Acts of 1909, as amended, this Board of Supervisors has considered said petitions at this meeting of said Board held on Wednesday, December 6, 1961.

Now, Therefore, **BE IT RESOLVED** that the question of annexing the territory and area described in Exhibit "A" and detaching the same from the Township of Paris be [fol. 15] submitted to the qualified electors of the City of Grand Rapids and the Township of Paris at a special election to be held in said City and Township on Monday, February 19, 1962 between the hours of 7 o'clock A. M. and 8 o'clock P. M. (EST), and that the question to be submitted to the electors in the said City of Grand Rapids

and the said Township of Paris be set forth on the ballot at said election in substantially the following form:

**"BRETON AVENUE AREA ANNEXATION PROPOSAL**

**"Shall territory in the Township of Paris, Kent County, Michigan, popularly known as Breton Avenue Area, be annexed to the City of Grand Rapids, Kent County, Michigan?"**

**"YES (     )**

**"NO (     )"'**

**BE IT FURTHER RESOLVED** that at the election where said question is voted upon, the election shall be conducted in such manner as to keep the votes of the qualified electors in the territory proposed to be annexed in separate boxes or upon separate voting machines from the boxes or voting machines containing the votes from the remaining portion of said Township.

**BE IT FURTHER RESOLVED** that the County Clerk shall, within three days after the adoption of this resolution, [fol. 16] transmit a certified copy of the above mentioned petition and of this resolution to the Township Clerk of Paris Township and the City Clerk of the City of Grand Rapids, and it shall thereupon be the duty of the City Clerk and the Township Clerk to give notice of the date and purpose of the election provided for by this resolution, in one or more newspapers published in the County of Kent at least once in each week for four (4) weeks preceding such election, and by posting a like notice in at least ten (10) public places in the City of Grand Rapids and the Township of Paris not less than ten (10) days prior to such election.

**BE IT FURTHER RESOLVED** that said election herein called shall be held and conducted pursuant to the statutes in such case made and provided, and if the results of said election shall be in favor of annexation of the territory described in Exhibit "A", then and in such event the County Clerk

shall provide for filing the results thereof in the office of the Secretary of State and shall furnish a copy of the petition and of every resolution, affidavit, or certificate necessarily following such petition, with the certificate of the Board of County Canvassers attached showing that the annexation requested in such petition has been approved by a majority of the qualified electors voting thereon in accordance with Act 279 of the Public Acts of 1909, as amended.

**BE IT FURTHER RESOLVED** that annexation of the area described in Exhibit "A" to the City of Grand Rapids, if accomplished, shall be effective as of Dec. 31, 1962 at 12:01 A. M. (EST).

**BE IT FURTHER RESOLVED**, that such annexation of said [fol. 17] above-described territory to the City of Grand Rapids, if accomplished, shall be complete on the effective date herein specified for all purposes save the one purpose of electing State Senators and members of the Michigan House of Representatives, as to which it shall have no effect whatsoever, and the territory so annexed shall remain in and be a part of the senatorial or representative district in which it is located at the time of such annexation.

**BE IT FURTHER RESOLVED** that the ballot be framed as it shall appear on the voting machines or ballots in such a manner as to clearly identify the area proposed to be annexed to the City of Grand Rapids and detached from the Township of Paris without using a full and complete legal description appearing in Exhibit "A" hereof, which area shall be identified substantially as follows:

#### **BRETON AVENUE AREA**

**BE IT FURTHER RESOLVED** that in each polling place a complete description of the area proposed to be annexed and a map thereof clearly indicating the area proposed to be annexed shall be prominently displayed.



**STATE OF MICHIGAN,  
COUNTY OF KENT,**

I, JACK BRONKEMA, Clerk of the Circuit Court of said County of Kent and Clerk of the Kent County Board of Supervisors do hereby certify that the above and foregoing is a true and correct transcript of a resolution adopted by the Board of Supervisors at a meeting held December 6, 1961 now on record in the office of the Clerk of said County and Court, and of the whole of said original record.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at the City of Grand Rapids, in said county, this 31st day of January one thousand nine hundred and sixty-three

JACK BRONKEMA, Clerk.

By /s/ WILLIAM H. FITZSIMMONS, Deputy.

[Seal]

[fol. 18]

EXHIBIT "A" TO EXHIBIT "A"

BRETTON AVE.

**PETITION TO ANNEX TO THE CITY OF  
GRAND RAPIDS CERTAIN TERRITORY  
DESCRIBED HEREIN**

**TO: THE BOARD OF SUPERVISORS OF KENT COUNTY**

We, the undersigned residents of the County of Kent, do hereby represent and show as follows:

1. That we are qualified electors and freeholders in the district to be affected by this Petition to a number not less than 1% of the total population of the City of Grand Rapids and the Township of Paris.

2. That we make and file this Petition to annex to the City of Grand Rapids certain territory contiguous thereto and described as:

Part of Sections 16, 21, and 22 of Paris Township, Kent County, described as: Beginning 250 feet south of the east  $\frac{1}{4}$  corner of *Section 16*, thence south on the east line of *Section 16* and *Section 21* to the North line of *Maple Valley Gardens*, a recorded Plat, thence east 50 feet to the east line of *Breton Avenue*, thence south to the east and west  $\frac{1}{4}$  line of *Section 22*, thence east 263 feet, thence south 288.71 feet, thence northwesterly 98.4 feet to a point which is 270 feet south and 217.23 feet east of the west  $\frac{1}{4}$  corner of *Section 22*, thence west 217.23 feet to the west line of *Section 22*, thence south to the SE corner of *Section 21*, thence west 426 feet, thence north 264 feet, thence west 165 feet, thence south 264 feet to the south line of *Section 21*, thence west to a point which is 330 feet east of the SW corner of the east  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of *Section 21*, thence north 264 feet, thence west 330 feet to the west line of the east  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of *Section 21*, thence north 171.6 feet, thence west 400 feet, thence south 435.6 feet to the south line of *section 21*, thence west to a point which is 165 feet east of the south  $\frac{1}{4}$  corner of *Section 21*, thence north 200 feet, thence west 165 feet to the north and south  $\frac{1}{4}$  line of *Section 21*, thence north to the center of *Section 21*, thence east to a point 200 feet west of the east  $\frac{1}{4}$  corner of *Section 21*, thence north 100 feet, thence east to a point on the east line of the section 100 feet north of the east  $\frac{1}{4}$  corner, thence north to a point 330.29 feet north of the east  $\frac{1}{4}$  corner, thence N87°43'W 165 feet, thence northwesterly 526.9 feet to a point N87°43'W 400 feet from a point on the east section line which is 792.29 feet north of the east  $\frac{1}{4}$  corner, thence north 132 feet, thence west to a point on the east  $\frac{1}{8}$  line of *section 21* which is 132 feet south of the NW corner of the south  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$

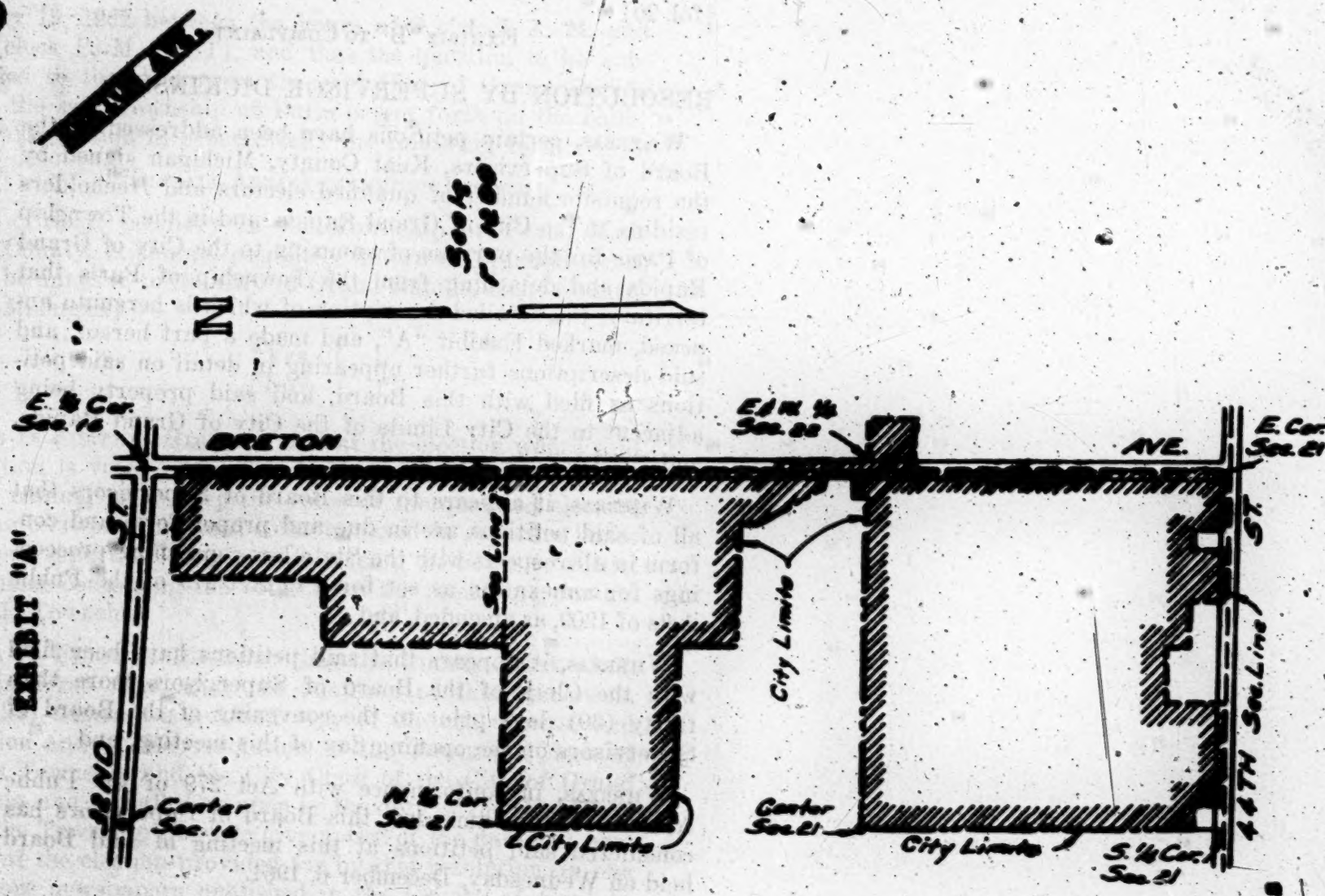
of Section 21, thence north on the east  $\frac{1}{8}$  line to the north line of the south  $\frac{1}{2}$  of the NE $\frac{1}{4}$ , thence west to the north and south  $\frac{1}{4}$  line, thence north to the north  $\frac{1}{4}$  corner of Section 21, thence east on the south line of Section 16 to the SW corner of the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 16, thence north to the NW corner of the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 16, thence east to a point which is 825 feet west of the east line of Section 16, thence north parallel with the section line to a point which is 250 feet south of the east and west  $\frac{1}{4}$  line of Section 16, thence east 825 feet to place of beginning.

3. That, in addition to the signatures to which reference is made in paragraph 1 above, we submit the signatures of more than 35% of the total number of taxpayers assessed for real property taxes within the area proposed to be annexed.

4. That a map or drawing showing the territory to be annexed was attached to this Petition at the time each of the undersigned did subscribe same, and each of the undersigned acknowledges by his signature that he was shown and did inspect such map or drawing before signing this Petition.

WHEREFORE, we respectfully request that an election be held pursuant to Act 279 of 1909, as amended (Sec. 5.2085 Michigan Statutes Annotated, et seq.) to determine whether the above-described territory shall be annexed to the City of Grand Rapids.





STATE OF MICHIGAN ) ss  
County of Kent

John B. McCloskey deposes and says that he is a Registered Land Surveyor and that the accompanying map prepared by him shows the boundaries of the territory in Sections 16, 21, and 22 of Paris Township, Kent County, proposed by this Petition to be annexed to the City of Grand Rapids, a description thereof appearing in paragraph 2 of the within Petition for annexation and being incorporated by reference into this affidavit.

*John B. McCloskey*  
John B. McCloskey

Subscribed and sworn to before me this 24th day of July 1961.

*David J. [Signature]*  
David J. [Signature], Kent County, Michigan

My commission expires April 19, 1965.

[fol. 20]

**EXHIBIT "B" TO COMPLAINT****RESOLUTION BY SUPERVISOR DICKINSON:**

**WHEREAS**, certain petitions have been addressed to the Board of Supervisors, Kent County, Michigan signed by the requisite number of qualified electors and freeholders residing in the City of Grand Rapids, and in the Township of Paris for the purpose of annexing to the City of Grand Rapids and detaching from the Township of Paris that territory, the detailed description of which is hereunto annexed, marked Exhibit "A", and made a part hereof, and said descriptions further appearing in detail on said petitions as filed with this Board, and said property being adjacent to the City Limits of the City of Grand Rapids, and

**WHEREAS**, it appears to this Board of Supervisors that all of said petitions are in due and proper form and conform in all respects with the State law concerning proceedings for annexation as set forth in Act 279 of the Public Acts of 1909, as amended, and

**WHEREAS**, it appears that said petitions have been filed with the Clerk of the Board of Supervisors more than thirty (30) days prior to the convening of the Board of Supervisors on the opening day of this meeting, and

**WHEREAS**, in conformance with Act 279 of the Public Acts of 1909, as amended, this Board of Supervisors has considered said petitions at this meeting of said Board held on Wednesday, December 6, 1961.

Now, Therefore, **BE IT RESOLVED** that the question of annexing the territory and area described in Exhibit "A" and detaching the same from the Township of Paris be [fol. 21] submitted to the qualified electors of the City of Grand Rapids and the Township of Paris at a special election to be held in said City and Township on Monday, Feb-



February 19, 1962 between the hours of 7 o'clock A. M. and 8 o'clock P. M. (EST), and that the question to be submitted to the electors in the said City of Grand Rapids and the said Township of Paris be set forth on the ballot at said election in substantially the following form:

**"KENDALL AREA ANNEXATION PROPOSAL**

**"Shall territory in the Township of Paris, Kent County, Michigan, popularly known as Kendall Area, be annexed to the City of Grand Rapids, Kent County, Michigan?**

**"YES ( )**

**"No ( )"**

**BE IT FURTHER RESOLVED** that at the election where said question is voted upon, the election shall be conducted in such manner as to keep the votes of the qualified electors in the territory proposed to be annexed in separate boxes or upon separate voting machines from the boxes or voting machines containing the votes from the remaining portion of said Township.

**BE IT FURTHER RESOLVED** that the County Clerk shall, within three days after the adoption of this resolution, [fol. 22] transmit a certified copy of the above mentioned petition and of this resolution to the Township Clerk of Paris Township and the City Clerk of the City of Grand Rapids, and it shall thereupon be the duty of the City Clerk and the Township Clerk to give notice of the date and purpose of the election provided for by this resolution, in one or more newspapers published in the County of Kent at least once in each week for four (4) weeks preceding such election, and by posting a like notice in at least ten (10) public places in the City of Grand Rapids and the Township of Paris not less than ten (10) days prior to such election.

**BE IT FURTHER RESOLVED** that said election herein called shall be held and conducted pursuant to the statutes in such



case made and provided, and if the results of said election shall be in favor of annexation of the territory described in Exhibit "A", then and in such event the County Clerk shall provide for filing the results thereof in the office of the Secretary of State and shall furnish a copy of the petition and of every resolution, affidavit, or certificate necessarily following such petition, with the certificate of the Board of County Canvassers attached showing that the annexation requested in such petition has been approved by a majority of the qualified electors voting thereon in accordance with Act 279 of the Public Acts of 1909, as amended.

**BE IT FURTHER RESOLVED** that annexation of the area described in Exhibit "A" to the City of Grand Rapids, if accomplished, shall be effective as of Dec. 31, 1962 at 12:01 A. M. (EST).

**BE IT FURTHER RESOLVED**, that such annexation of said [fol. 23] above-described territory to the City of Grand Rapids, if accomplished, shall be complete on the effective date herein specified for all purposes save the one purpose of electing State Senators and members of the Michigan House of Representatives, as to which it shall have no effect whatsoever, and the territory so annexed shall remain in and be a part of the senatorial or representative district in which it is located at the time of such annexation.

**BE IT FURTHER RESOLVED** that the ballot be framed as it shall appear on the voting machines or ballots in such a manner as to clearly identify the area proposed to be annexed to the City of Grand Rapids and detached from the Township of Paris without using a full and complete legal description appearing in Exhibit "A" hereof, which area shall be identified substantially as follows:

#### **KENDALL AREA**

**BE IT FURTHER RESOLVED** that in each polling place a complete description of the area proposed to be annexed

and a map thereof clearly indicating the area proposed to be annexed shall be prominently displayed.

STATE OF MICHIGAN  
County of Kent

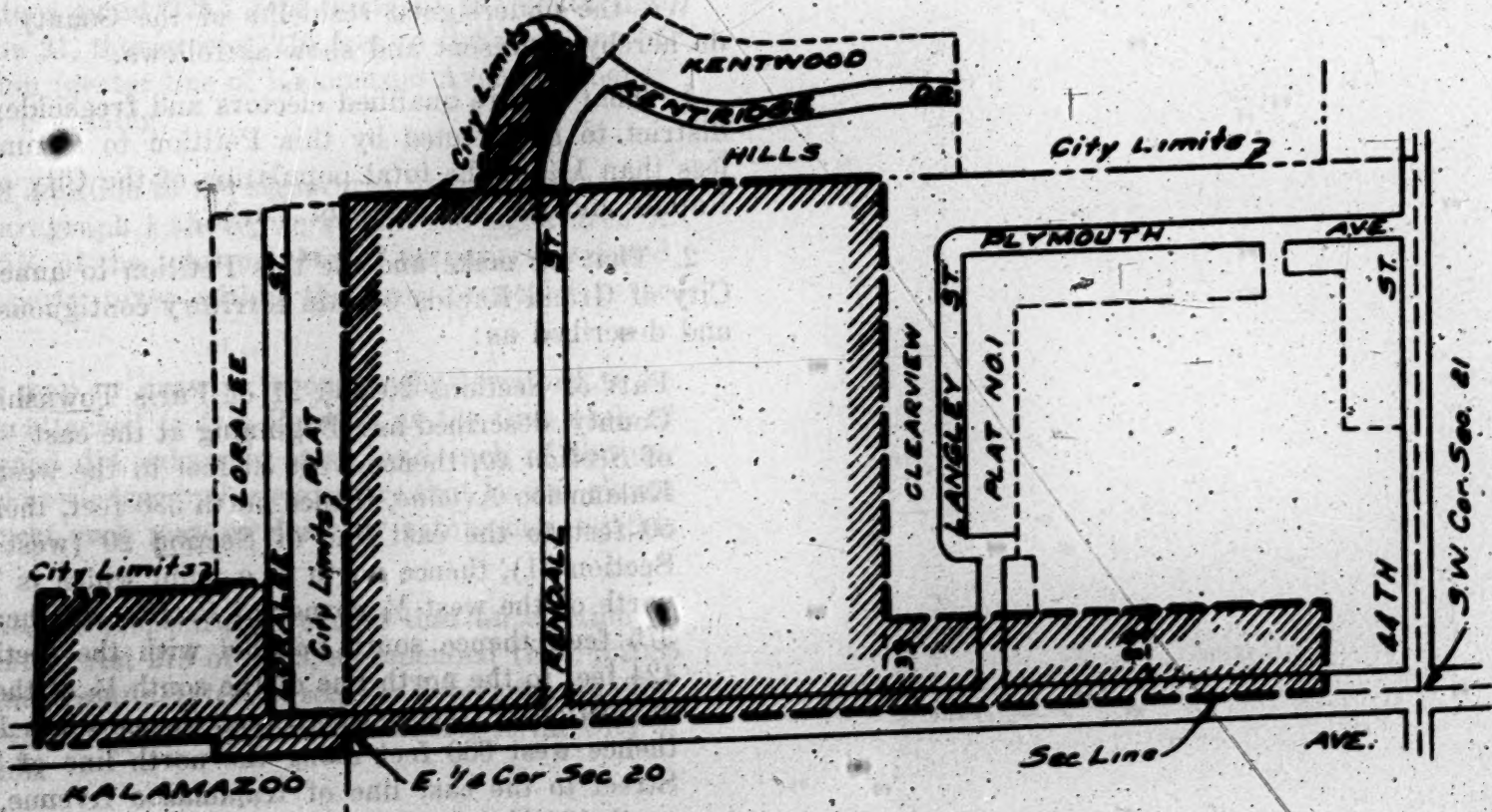
I, JACK BRONKEMA, Clerk of the Circuit Court of said County of Kent and Clerk of the Kent County Board of Supervisors do hereby certify that the above and foregoing is a true and correct transcript of a resolution adopted by the Board of Supervisors at a meeting held December 6, 1961 now on record in the office of the Clerk of said County and Court, and of the whole of said original record.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at the City of Grand Rapids, in said county, this 31st day of January one thousand nine hundred and sixty-three.

JACK BRONKEMA, Clerk  
By /s/ WILLIAM H. FITZSIMMONS Deputy

[Seal]





STATE OF MICHIGAN ) ss  
County of Kent

John B. McCloskey deposes and says that he is a Registered Land Surveyor and that the accompanying map prepared by him shows the boundaries of the territory in Sections 20 and 21 of Paris Township, Kent County, proposed by this Petition to be annexed to the City of Grand Rapids, a description thereof appearing in paragraph 2 of the within Petition for annexation and being incorporated by reference into this affidavit.

Subscribed and sworn to before me  
this 24th day of July 1961.

*[Signature]*  
Notary Public, Kent County, Michigan  
My commission expires April 19, 1965.

*[Signature]*  
John B. McCloskey



PETITION TO ANNEX TO THE CITY OF  
GRAND RAPIDS CERTAIN TERRITORY  
DESCRIBED HEREIN

KENDALL

To: THE BOARD OF SUPERVISORS OF KENT COUNTY

We, the undersigned residents of the County of Kent,  
do hereby represent and show as follows:

1. That we are qualified electors and freeholders in the district to be affected by this Petition to a number not less than 1% of the total population of the City of Grand Rapids and the Township of Paris.

2. That we make and file this Petition to annex to the City of Grand Rapids certain territory contiguous thereto and described as:

Part of Sections 20 and 21 of Paris Township, Kent County, described as: Beginning at the east  $\frac{1}{4}$  corner of *Section 20*, thence west 50 feet to the west line of Kalamazoo Avenue, thence north 330 feet, thence east 50 feet to the east line of *Section 20* (west line of *Section 21*), thence north to a point which is 754 feet north of the west  $\frac{1}{4}$  corner of *Section 21*, thence east 375 feet, thence south parallel with the section line 424 feet to the north line of the south  $\frac{1}{8}$  of the NW $\frac{1}{4}$  of *Section 21*, thence east 5 feet, thence south 135 feet, thence west 330 feet along the north line of *Loralee Street* to the east line of Kalamazoo Avenue, thence south 194.92 feet to the SW corner of Lot 12 of *Loralee Plat*, thence east on the east and west  $\frac{1}{4}$  line of *Section 21* to the NW corner of the east  $\frac{1}{2}$  of the SW $\frac{1}{4}$  of the section, thence south to the NW corner of Lot 1 of *Kentwood Hills*, a recorded Plat, thence southeasterly along the northerly line of Lots 1, 2, 3, and 4 to the northeasterly corner of Lot 4 of *Kentwood Hills*, thence southwesterly 113.4 feet to the

southeasterly corner of Lot 4, thence northwesterly along the southerly line of Lots 4, 3, 2 and 1 to the SW corner of Lot 1, thence south on the west  $\frac{1}{8}$  line to the NE corner of Clearview Plat No. 1, thence west along the north line of said Plat to the NE corner of Lot 33, thence south to the SE corner of Lot 89, thence continuing south parallel with the west line of the Section to a point 225.7 feet north of the south line of Section 21, thence west 210 feet to the west line of the Section (center line of Kalamazoo Avenue), thence north to beginning.

3. That, in addition to the signatures to which reference is made in paragraph 1 above, we submit the signatures of more than 35% of the total number of taxpayers assessed for real property taxes within the area proposed to be annexed.

4. That a map or drawing showing the territory to be annexed was attached to this Petition at the time each of the undersigned did subscribe same, and each of the undersigned acknowledges by his signature that he was shown and did inspect such map or drawing before signing this Petition.

WHEREFORE, we respectfully request that an election be held pursuant to Act 279 of 1909, as amended (Sec. 5.2085 Michigan Statutes Annotated, et seq.) to determine whether the above-described territory shall be annexed to the City of Grand Rapids.



PROPOSAL NO. 2 TOWNSHIP OF Paris - Breton Ave. Area

The following is the result of the votes cast on the matter of annexation of a portion of the Township of Paris in Kent County, Michigan, to the City of Grand Rapids at the Special Election held February 19, 1962

Proposal NO. 1 - Breton Ave. Area

The total number of votes cast for and against annexation of a portion of Paris Township to the City of Grand Rapids was  
Twenty-three thousand and forty-one  
For Annexation Seventeen thousand seven hundred and forty-two 23,041  
Against Annexation Five thousand two hundred and ninety-nine 17,242  
Total 5,299 23,041

and they were given for the following areas:

The City of Grand Rapids received  
Twenty-two thousand three hundred and thirteen  
For Annexation Seventeen thousand six hundred and forty-three 22,313  
Against Annexation Four thousand six hundred and seventy 17,643  
Total 4,670 22,313

The affected area in the Township of Paris received Seven  
For Annexation Seven 7  
Against Annexation 7 0  
Total 7 7

The Township of Paris outside of the affected area received Seven hundred and twenty-one  
For Annexation Ninety-two 721  
Against Annexation Six hundred and Twenty-nine 92  
Total 629 721

STATE OF MICHIGAN  
COUNTY OF KENT

WE DO HEREBY CERTIFY, That the foregoing is a correct statement of the votes given in the City of Grand Rapids, Michigan and the Township of Paris in the matter of the proposed annexation of a portion of Paris Township - ( Breton Ave. Area ) to the city of Grand Rapids, Michigan at the Special Election held on February 19, 1962.

IN WITNESS WHEREOF, We have hereunto set our hands and caused to be affixed the seal of the Circuit Court for the County of Kent this 21st day of February 1962.

two  
sixty  
/s/ William Rupp  
/s/ Theodore H. Williams  
/s/ Mrs. Phyllis J. Harder

Board of  
Election  
Canvassers

ATTEST:

/s/ Jack Bronkema  
Clerk of Board of County Canvassers



PROPOSAL NO. 3 TOWNSHIP OF Paris - Kendall Area

The following is the result of the votes cast on the matter of annexation of a portion of the Township of Paris to the City of Grand Rapids at the Special Election held on February 19, 1962 in those areas in Kent County, Michigan.

Proposal NO. 2 - Kendall Area

The total number of votes cast for and against annexation of a portion of Paris Township to the City of Grand Rapids was

<u>Twenty-two thousand seven hundred and forty-eight</u>	<u>22,748</u>
For Annexation <u>Seventeen thousand four hundred and nineteen</u>	<u>17,419</u>
Against Annexation <u>Five thousand three hundred and twenty-nine</u>	<u>5,329</u>
Total	<u>22,748</u>

and they were given for the following areas:

The City of Grand Rapids received

<u>Twenty-two thousand and twenty-five</u>	<u>22,025</u>
For Annexation <u>Seventeen thousand three hundred and twenty-eight</u>	<u>17,328</u>
Against Annexation <u>Four thousand six hundred and ninety-seven</u>	<u>4,697</u>
Total	<u>22,025</u>

The affected area in the Township of Paris

received <u>Twenty-six</u>	<u>26</u>
For Annexation <u>Sixteen</u>	<u>16</u>
Against Annexation <u>Ten</u>	<u>10</u>
Total	<u>26</u>

The Township of Paris outside of the affected area

received <u>Six hundred and ninety-seven</u>	<u>697</u>
For Annexation <u>Seventy-five</u>	<u>75</u>
Against Annexation <u>Six hundred and twenty-two</u>	<u>622</u>
Total	<u>697</u>

STATE OF MICHIGAN } ss.  
COUNTY OF KENT

WE DO HEREBY CERTIFY, That the foregoing is a correct statement of the votes given in the City of Grand Rapids, Michigan and the Township of Paris in the matter of the proposed annexation of a portion of Paris Township - ( Kendall Area )  
to the city of Grand Rapids, Michigan at the Special Election held on February 19, 1962

IN WITNESS WHEREOF, We have hereunto set our hands and caused to be affixed the seal of the Circuit Court for the County of Kent this 21st day of February in the year one thousand nine hundred two ~~sixty~~

/s/ William Rupp	Board of Election Canvassers
/s/ Theodore H. Williams	
/s/ Mrs. Phyllis J. Harder	

ATTEST:

/s/ Jack Bronkema  
Clerk of Board of County Canvassers



# PROPOSAL NO. 5 (TOWNSHIP OF Paris - Fuller-blth, Area

The following is the result of the votes cast on the matter of annexation of a portion of the Township of Paris to the City of Grand Rapids at the Special Election held February 19, 1962 in those areas in Kent County, Michigan.

Proposal NO. 5 - Fuller-blth, Area

The total number of votes cast for and against annexation of a portion of Paris Township to the City of Grand Rapids was

Twenty-two thousand seven hundred and twenty-seven 22,727  
For Annexation Seventeen Thousand five hundred and thirty-nine 17,539  
Against Annexation Five thousand one hundred and eighty-eight 5,188

Total 22,727

and they were given for the following areas:

The City of Grand Rapids received

Twenty-two thousand 22,000

For Annexation Seventeen thousand four hundred and forty-five 17,445

Against Annexation Four thousand five hundred and fifty-five 4,555

Total 22,000

The affected area in the Township of Paris

received Twelve 12

For Annexation Seven 7

Against Annexation Five 5

Total 12

The Township of Paris outside of the affected area

received Seven hundred and fifteen 715

For Annexation Eighty-seven 87

Against Annexation Six hundred and twenty-eight 628

Total 715

STATE OF MICHIGAN } ss.  
COUNTY OF KENT

WE DO HEREBY CERTIFY, That the foregoing is a correct statement of the votes given in the City of Grand Rapids, Michigan and the Township of Paris in the matter of the proposed annexation of a portion

of Paris Township - ( Fuller-blth, Area )  
to the city of Grand Rapids, Michigan at the Special Election held on February 19, 1962.

IN WITNESS WHEREOF, We have hereunto set our hands and caused to be affixed the seal of the Circuit Court for the County of Kent this 21st day of February 1962 in the year one thousand nine hundred and sixty two.

/s/ William Rupp Board of Election Canvassers  
/s/ Theodore H. Williams  
/s/ Mrs. Phyllis J. Hayden

ATTEST:

/s/ Jack Bronkema  
Clerk of Board of County Canvassers

[fol. 29]

**EXHIBIT. "D" TO COMPLAINT**

**KENTWOOD PUBLIC SCHOOLS,  
KENT COUNTY, MICHIGAN**

STATE OF MICHIGAN )  
 ) ss  
COUNTY OF KENT )

**R. CLARE CHRISTENSEN, Being first duly sworn, says that he is the duly elected, qualified and acting secretary of the board of education of Kentwood Public Schools, Kent County, Michigan, a fourth class school district, and that the attached is a true copy of extracts from the minutes of a special meeting of the board of education of said school district held Tuesday, January 1, 1963 containing 2 resolutions requesting the county board of education of the County of Kent, State of Michigan to detach certain territory described therein from the School District of the City of Grand Rapids, a second class school district, and attach the same to Kentwood Public Schools, Kent County, Michigan, under the provisions of chapter 5, part 2 of The school code of 1955, as amended.**

/s/ R. CLARE CHRISTENSEN  
R. Clare Christensen

Subscribed and sworn to before me  
this 1st day of January, A. D. 1963

/s/ **ELIZABETH ALTROCK**  
Notary Public, Kent County, Michigan  
My commission expires: Oct. 30, 1964

STATE OF MICHIGAN  
COUNTY OF KENT

I, JACK BRONKEMA, Clerk of the Circuit of said County of Kent and Clerk of the Kent County Board of Supervisors do hereby certify that the above and foregoing is



a true and correct transcript of the report of the Board of Election Canvassers of the special Election held Feb. 19, 1962 re three annexation proposals (Breton Area, Kendall Area and Fuller-44th St. Area) now on record in the office of the Clerk of said County and Court, and of the whole of said original record.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at the City of Grand Rapids, in said county, this 31st day of January one thousand nine hundred and sixty-three.

JACK BRONKEMA, Clerk

By /s/ WILLIAM H. FITZSIMMONS, Deputy

[Seal]

[fol. 30]

KENTWOOD PUBLIC SCHOOLS, KENT COUNTY,  
MICHIGAN

(A Fourth Class School District)

EXTRACTS FROM THE MINUTES OF A SPECIAL MEETING OF THE  
BOARD OF EDUCATION HELD TUESDAY, JANUARY 1, 1963

A special meeting of the board of education of Kentwood Public Schools, Kent County, Michigan, a fourth class school district, was held in the library of the high school building in said school district on Tuesday, January 1, 1963 at 3:30 o'clock P.M., eastern standard time, pursuant to the call of the president.

Present: Members Clifford R. Barnes, president; R. Clare Christensen, secretary; Charles D. Grooters, treasurer; Robert E. DeZwaan and Gilbert E. Bowie, constituting the entire membership of the board of education.

Mr. Luther M. Barrett, superintendent of schools, was also present.

The president reported he had been advised by Paul O. Strawhecker of Strawhecker and McCargar, attorneys for the board of education, that:

1. December 19, 1962 the Honorable Fred N. Searl, Circuit Judge, acting Judge of the Superior Court of Grand Rapids, filed an opinion in the case of Ernest J. Schmidt, et al, vs The City of Grand Rapids, et al, pending in the Superior Court of Grand Rapids, No. 6267, holding that §143 of The school code of 1955 is a valid exercise of the legislative power and that by its operation the Breton Avenue, Kendall and Fuller-44th Street areas, now a part of the territory of this school district, will become a part of the School District of the City of Grand Rapids on December 31, 1962 and on December 26, 1962 said judge entered an order denying the relief prayed by the plaintiffs and dismissing the petition. As this school district was not granted permission to intervene as a party plaintiff in that case, on its application therefor, this school district, through this board of education, cannot participate with the plaintiffs therein in determining the future course of that litigation and in particular, cannot participate in the decision of the plaintiffs therein as to whether to file an application in the Supreme Court of Michigan for leave to appeal said order entered December 26, 1962.

[fol. 31] 2. The Supreme Court of Michigan December 5, 1962 denied the application of the Board of Education of the City of Flint for leave to appeal from an order of the State Board of Education dated September 24, 1962 detaching certain territory from the School District of the City of Flint and attaching it to Carman School District in Genesee County. The effect of this denial is that chapter 5, part 2 of The school code of 1955 relating to the transfer of territory between districts is applicable to and governs school districts of the second class.

3. The regular session of the 1962 Michigan 71st Legislature adjourned sine die December 27, 1962 and Act 177 of the Public Acts of Michigan of 1962 will become effective March 28, 1963—90 days after final adjournment.

After considering the effect of the loss of the Breton Avenue, Kendall and Fuller-44th Street areas and the

Alexander Hamilton Elementary School located in the Breton area by this school district by reason of the annexation thereof to the School District of the City of Grand Rapids December 31, 1962 at 12:01 a.m. (EST) and the educational needs of the children of school age resident in this school district, Member DeZwaan, supported by Member Grooters, moved the adoption of the following preambles and resolution:

WHEREAS, At special elections held February 19, 1962 under the Home Rule Act in the City of Grand Rapids and Paris Township, Kent County, Michigan, the electors thereof approved the annexation of certain territory in said Paris Township, within the boundaries of this school district, commonly known as the Breton Avenue, Kendall and Fuller-44th Street areas, which are hereinafter more particularly described as Parcels Nos. 1, 2 and 3, respectively, to said City of Grand Rapids, effective as of December 31, 1962 at 12:01 a.m. (EST); and

WHEREAS, Under the provisions of § 143 of The school code of 1955, such territory by such annexation became a part of the School District of the City of Grand Rapids as of December 31, 1962 at 12:01 a.m. (EST); and

WHEREAS, 9 previous detachments of territory from this school district with a 1962 state equalized valuation of \$10,935,523 have reduced the per capita valuation of this school district from \$14,350 in 1960 to \$11,151 in 1962 or 22.29%; and

[fol. 32] WHEREAS, Said Breton Avenue, Kendall and Fuller-44th Street areas have a 1962 state equalized valuation of \$4,313,404 the loss of which has reduced the per capita valuation of this school district to \$9,738 or a loss of 32.14% since 1960 and has caused this school district to be a hardship school district under the 1962 state aid formula; and



WHEREAS, Said Alexander Hamilton School is located in said Breton Avenue area and was taken from this school district December 31, 1962 at 12:01 a.m. (EST) by the School District of the City of Grand Rapids by reason of the annexation of said area; and

WHEREAS, As of December 31, 1962 there were only 21 membership children resident in said Breton Avenue, Kendall and Fuller-44th Street areas, 16 of whom were in attendance at Alexander Hamilton Elementary School and 5 of whom were in attendance in the high school of this school district; and

WHEREAS, Said Alexander Hamilton School is a modern 14-room elementary school and the loss thereof has deprived 235 membership children of this school district of adequate classrooms and educational facilities; and

WHEREAS, The annexations of such territory have taken from this school district a per capita valuation of \$205,400 without means on the part of this school district to adequately house and educate such 235 membership children:

Now, THEREFORE, It Is Resolved, That:

1. This board of education does hereby request the county board of education of the County of Kent, State of Michigan to detach the following described 3 parcels of territory, commonly known as the Breton Avenue, Kendall and Fuller-44th Street areas, from the Board of Education of the City of Grand Rapids, a second class school district, known as the School District of the City of Grand Rapids, and attach it to this school district, pursuant to the provisions of chapter 5, part 2 of The school code of 1955, as amended; to-wit:

[fol. 33] . PARCEL No. 1

Part of Sections 16, 21, and 22 of Paris Township, Kent County, Michigan, described as: Beginning 250 feet south

of the east  $\frac{1}{4}$  corner of *Section 16*, thence south on the east line of *Section 16* and *Section 21* to the North line of *Maple Valley Gardens*, a recorded Plat, thence east 50 feet to the east line of *Breton Avenue*, thence south to the east and west  $\frac{1}{4}$  line of *Section 22*, thence east 263 feet, thence south 288.71 feet, thence northwesterly 98.4 feet to a point which is 270 feet south and 217.23 feet east of the west  $\frac{1}{4}$  corner of *Section 22*, thence west 217.23 feet to the west line of *Section 22*, thence south to the SE corner of *Section 21*, thence west 426 feet, thence north 264 feet, thence west 165 feet, thence south 264 feet to the south line of *Section 21*, thence west to a point which is 330 feet east of the SW corner of the east  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of *Section 21*, thence north 264 feet, thence west 330 feet to the west line of the east  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of *Section 21*, thence north 171.6 feet, thence west 400 feet, thence south 435.6 feet to the south line of section 21, thence west to a point which is 165 feet east of the south  $\frac{1}{4}$  corner of *Section 21*, thence north 200 feet, thence west 165 feet to the north and south  $\frac{1}{4}$  line of *Section 21*, thence north to the center of *Section 21*, thence east to a point 200 feet west of the east  $\frac{1}{4}$  corner of *Section 21*, thence north 100 feet, thence east to a point on the east line of the section 100 feet north of the east  $\frac{1}{4}$  corner, thence north to a point 330.29 feet north of the east  $\frac{1}{4}$  corner, thence N87°43'W 165 feet, thence northwesterly 526.9 feet to a point N87°43'W 400 feet from a point on the east section line which is 792.29 feet north of the east  $\frac{1}{4}$  corner, thence north 132 feet, thence west to a point on the east  $\frac{1}{8}$  line of section 21 which is 132 feet south of the NW corner of the south  $\frac{4}{5}$  of the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of *Section 21*, thence north on the east  $\frac{1}{8}$  line to the north line of the south  $\frac{1}{2}$  of the NE  $\frac{1}{4}$ , thence west to the north and south  $\frac{1}{4}$  line, thence north to the north  $\frac{1}{4}$  corner of *Section 21*, thence east on the south line of *Section 16* to the SW corner of the SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of *Section 16*, thence north to the NW corner

of the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 16, thence east to a point which is 825 feet west of the east line of Section 16, thence north parallel with the section line to a point which is 250 feet south of the east and west  $\frac{1}{4}$  line of Section 16, thence east 825 feet to place of beginning.

[fol. 34]

PARCEL No. 2.

Part of Sections 20 and 21 of Paris Township, Kent County, Michigan described as: Beginning at the east  $\frac{1}{4}$  corner of Section 20, thence west 50 feet to the west line of Kalamazoo Avenue, thence north 330 feet, thence east 50 feet to the east line of Section 20 (west line of Section 21), thence north to a point which is 754 feet north of the west  $\frac{1}{4}$  corner of Section 21, thence east 375 feet, thence south parallel with the section line 424 feet to the north line of the south  $\frac{1}{8}$  of the NW $\frac{1}{4}$  of Section 21, thence east 5 feet, thence south 135 feet, thence west 330 feet along the north line of Loralee Street to the east line of Kalamazoo Avenue, thence south 194.92 feet to the SW corner of Lot 12 of Loralee Plat, thence east on the east and west  $\frac{1}{4}$  line of Section 21 to the NW corner of the east  $\frac{1}{2}$  of the SW $\frac{1}{4}$  of the section, thence south to the NW corner of Lot 1 of Kentwood Hills, a recorded Plat, thence southeasterly along the northerly line of Lots 1, 2, 3, and 4 to the northeasterly corner of Lot 4 of Kentwood Hills, thence southwesterly 113.4 feet to the southeasterly corner of Lot 4, thence northwesterly along the southerly line of Lots 4, 3, 2 and 1 to the SW corner of Lot 1, thence south on the west  $\frac{1}{8}$  line to the NE corner of Clearview Plat No. 1, thence west along the north line of said Plat to the NE corner of Lot 33, thence south to the SE corner of Lot 89, thence continuing south parallel with the west line of the Section to a point 225.7 feet north of the south line of Section 21, thence west 210 feet to the west line of the Section (center line of Kalamazoo Avenue), thence north to beginning.



## PARCEL No. 3

Part of Section 20 of Paris Township, Kent County, Michigan Described as: Beginning at the center of Section 20, thence east 830 feet more or less to the NE corner of Lot 95 of Langdon Plat No. 1 (being also the NW corner of Langdon Plat), thence south 425.2 feet along the west line of Langdon Plat to its intersection with the northeasterly line of Oak Park Drive, thence southwesterly 60 feet more or less to the corner of Lot 94 of Langdon Plat No. 1 which is 212.37 feet east of the NW corner of said lot, thence west 212.37 feet to the NW corner of said Lot 94, thence northwesterly along the northerly line of the NYC RR right of way to a point which is 50 feet south of the east and west  $\frac{1}{4}$  line of Section 20, thence west to the north and south  $\frac{1}{4}$  line of Section 20, thence south to the south  $\frac{1}{4}$  corner of Section 20, thence west to the SW corner of Section 20, thence north to the west  $\frac{1}{4}$  corner of Section 20, thence east to beginning.

[fol. 35] 2. All of said above described territory is located within the boundaries of said County of Kent and is contiguous to this school district.

3. The latest available taxable valuation of said areas to be detached less than 10% of the latest available taxable valuation of the entire School District of the City of Grand Rapids.

4. It is the intention of this resolution to reaffirm the resolution heretofore adopted by this board of education at a special meeting thereof held December 19, 1962 requesting the county board of education of said County of Kent to detach said above described territory from the Board of Education of the City of Grand Rapids and attach it to this school district by adopting this resolution after December 31, 1962 at 12:01 a.m. (EST), which was the effective date of the annexations of said Breton Avenue, Kendall and Fuller-44th Street areas, to avoid any

question that the said previous resolution, adopted December 19, 1962, was premature.

5. This resolution, certified by the secretary, shall be filed forthwith with the county board of education of the County of Kent, State of Michigan.

**AYES:** Members Barnes, Christensen, Grooters, De Zwaan and Bowie, constituting the entire membership of this board of education.

Said preambles and resolution were declared unanimously adopted.

Member Christensen, supported by Member Bowie, moved the adoption of the following preambles and resolution:

**WHEREAS,** The following described territory, known as the Alger Street area, located in Paris Township within the boundaries of this school district, has been detached from said Paris Township and annexed to the City of Grand Rapids by the affirmative majority vote of the legislative bodies of said township and city, under the provisions of § 9 of the Home Rule Act, as amended; and

**WHEREAS,** Such territory by such annexation has become a part of the School District of the City of Grand Rapids, under the provisions of § 143 of The school code of 1955; and

**WHEREAS,** There are no qualified electors residing in said territory:

[fol. 36] Now, **THEREFORE, IT IS RESOLVED, That:**

1. This board of education does hereby request the county board of education of the County of Kent, State of Michigan to detach the following described territory, known as the Alger Street area, from the Board of Education of the City of Grand Rapids, a second class school district, known as the School District of the City of Grand Rapids, and attach it to this school district, pursuant to

the provisions of chapter 5, part 2 of The school code of 1955, as amended; to-wit:

Part of the SE $\frac{1}{4}$  of Section 10, T6N, R11W, Paris Township, Kent County, Michigan, described as: Beginning at the NW corner of Slater Heights, a recorded Plat, thence west 348.79 feet more or less to the west line of the east 762.8 feet of the west  $\frac{1}{2}$  of the SE $\frac{1}{4}$  of Section 10 (Grand Rapids City Limits), thence north to the east and west  $\frac{1}{4}$  line, thence east 1042.79 feet, thence south to the NE corner of Slater Heights, thence west to beginning.

2. All the said above described territory is located within the boundaries of the said County of Kent and is contiguous to this school district.

3. The latest available taxable valuation of said areas to be detached is less than 10% of the latest available taxable valuation of the entire School District of the City of Grand Rapids.

4. This resolution, certified by the secretary, shall be filed forthwith with the county board of education of the County of Kent, State of Michigan.

**AYES:** Members Barnes, Christensen, Grooters, DeZwaan and Bowie, constituting the entire membership of this board of education.

Said preambles and resolution were declared unanimously adopted.

On motion duly made, seconded and carried, the meeting adjourned.

**R. CLARE CHRISTENSEN**  
Secretary



[fol. 37]

## EXHIBIT "E" TO COMPLAINT

## KENT COUNTY BOARD OF EDUCATION

## ANNUAL REPORT

JUNE 30, 1962

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## I

## INTRODUCTION

This, my first year as Superintendent of Kent County Schools, has been a year of intense interest to me. I have found it to be a position full of challenge and some frustration.

This is a time of change for this office. Primary districts are rapidly disappearing from the educational horizon. The critical situation in the county places the functions of this office to the test and now we have new legislation (Public Act 190) which will bring about many changes in the place which this office holds in the educational organization of the State of Michigan. In one respect the new laws are similar to the old in that the functions of the Intermediate office are classified under (1) required duties and (2) permissive activities. The great challenge to this office lies in the latter—permissive activities. The all important questions which all school people need to ask themselves is "What contributions to better education in the Kent Intermediate School District can this office bring about?"

I wish to report that in all areas other than statutory responsibilities, the Intermediate (formerly county) office

does not supervise instructional activities; but it is in a unique position to supplement and possibly to coordinate local school programs.

In this report I will present as best I can what has taken place the past year, hopeful that this will enable school administrators to determine the needs and the possibilities of this agent of education in this part of the State of Michigan. Under Public Act 190 the approval of a majority of the constituent districts is needed before the Intermediate School District budget may be presented to the tax allocation board. It is hoped that this report will enable school boards and superintendents to work more closely with the office for the ultimate benefit to the thousands of children who come to us to learn and be prepared for citizenship.

E. J. Kleinert  
Superintendent

**The County Board of Education:**

Mr. Victor Weller, President

Mr. Dewey Jaarsma, Vice President

Mr. C. B. Leaver

Mrs. Fred Keeler  
Mr. Russell Emmons

[fol. 39]

**II**

**REQUIRED DUTIES OF THE KENT COUNTY  
BOARD OF EDUCATION**

**A. AUDITING AND FINANCE**—The school code directs the County Superintendent to "examine and audit the books and records of any school district when directed to do so by the Superintendent of Public Instruction." The financial accounts of the primary districts and 4th class districts with budgets of not over \$100,000 receive a complete audit by this office.



Financial reports of the larger districts when received; receive the following considerations:

1. Check against CPA audit
2. Check state aid; tuition, transportation amounts reported
3. Check for completeness

Although the number of primary districts has diminished and hence less work is required on them, the amount of accounting, advising school districts on special education matters has steadily increased as the number of children in special education has increased. All of this work is done in the auditing office and not in the special education office.

Various statistical summaries are also made in the auditing office. (See appendix.) During the year the Michigan Department of Public Instruction revised the school accounting system. The Kent County Board of Education held a day and evening workshop to acquaint superintendents, secretaries, certified public accountants, township clerks and treasurers with the new forms.

**B. CENSUS, MEMBERSHIP AND CHILD ACCOUNTING**—"The County Board of Education shall cause to be taken an annual school census . . . ." Census records are collected from all the constituent districts and are combined to form a county census report (see attached report in appendix.)

Following "D" day the attendance and membership records of every school district, large and small are audited by the auditing and accounting office. The figures of the individual school districts are combined to give county totals. Tuition accounts and lists of tuition students are also carefully checked. Two persons do the auditing and accounting work described in Paragraphs A, B and C.

The Deputy County Superintendent also acts as chief attendance officer for the county schools both in the capacity of enforcing attendance laws and in counseling students, parents and teachers. Many times he is [fol. 40] called upon by local school systems, large and small to deal with the most severe attendance problems.

- C. **TRANSPORTATION**—Transportation reports are also collected by the county office. The reports required at the beginning of the school year are processed and data taken from them to determine the number of pupils, distance from school, etc. and forwarded to the Department of Public Instruction. Conferences on transportation problems between the county offices, local school officials and parents are frequent. When the final transportation reports for the year are received, they are checked against the Financial and Statistical Report and other district reports where applicable.

The county office also assists in organizing training schools for bus drivers and responds to any requests for assistance from districts. It is called upon many times to interpret transportation policies to parents.

The Department of Public Instruction relies heavily on the county office for accuracy of reports of transportation in local districts.

- D. **TUITION**—The office acts as a clearing house for information to parents as well as school officials on tuition laws, rates, state reimbursement and many other relative matters. Our accounting offices also assist all local districts participating in the special education program in preparing tuition reports.

- E. **SCHOOL LUNCH and WORKING PERMITS**—All monthly school lunch reports pass through this office for auditing. Each year some 1500 working permits are issued to minors from this office. (See Appendix).

**F. TEACHER LICENSING and PLACEMENT**—Hundreds of calls come to this office over the year with requests for information on teacher certification. In fact this office is considered as the source for this information in the area. Two or three hundred substitute special certificate applications are processed through this office each year. Limited certificate applications are also channeled over our desks.

The county office of education also acts as a central placement office for the schools in Kent County. All superintendents list their vacancies here. Teachers interested in positions in Kent County are encouraged to file their credentials here. Many times teachers who apply to a superintendent are referred to this office.

**G. SUPERVISION OF PRIMARY DISTRICTS**—The County Superintendent is charged by statute to (a) recommend all teachers of primary schools in writing and (b) suspend any teacher for cause until the school board employing such teacher may consider such suspension; (c) to classify and control the promotion of pupils; (d) to supervise and direct the work of the teachers; (e) to make reports in writing regarding the condition of their schools to the respective school boards.

[fol. 41] At the beginning of the 1961-1962 school year there were 32 primary districts with 46 teachers under the direct supervision of the county offices. One curriculum consultant was assigned to these schools and contacted them frequently. Further discussion of this work is found in Part III of this report.

**H. ANNEXATIONS, CONSOLIDATIONS AND TRANSFERS**—At the beginning of the 1961-1962 school year there were 56 school districts in Kent County. During the year one major consolidation took place—Wyoming Public Schools, formerly Wyoming Park, Rogers and Newhall Schools.



Annexations during the year were numerous. See Annexations, Consolidations.

This office bears considerable responsibility in these annexations. In most of them the elections are planned, supplies prepared and reports to all related agencies are made by this office. There are many conferences with local school officials before such an election takes place. Often this office plans and acts as moderator at meeting to discuss the mergers.

### TRANSFERS

Any property owner, if contiguous to another district, has the right to petition for transfer to that district. The county board is then required to consider the petition in session and render a decision. If any of the parties involved are not satisfied with the decision of the board, the case may be appealed to the State Board of Education. Here are the steps which this office must take when a petition for transfer is made:

1. Check property ownership, exact location, valuation, number of children involved, condition of schools, roads.
2. Set date of hearing and post notices not less than ten days previous to the hearing.
3. Prepare map and other descriptive material.
4. Hold the hearing.
5. Notify schools involved, property owners, township, county, two state officials of action taken.

When a property transfer involves districts which extend into other counties, there must be a majority of each county board of education present. In some cases this has involved four county boards.

There is much strictly legal work involved in these transfers and it is regrettable that the county office has practically no source of legal counsel trained and practiced in these matters. Thus, the county superintendent is called upon to execute complicated legal matters with the responsibility which goes with it.

The County Board of Education observes the principle of what is best for the children when weighing the validity of the application for transfer. When extensive mergers of school districts occur, there are instances of individual hardship. This applies particularly to an individual who may reside at the extreme distance from the central school and who may actually reside closer to the school in a neighboring district. Indications are that the number of petitions for transfer from one district to another will certainly not decrease. In fact when Senate Bill 1100 goes into effect, which then places second class school districts (Grand Rapids) under the same transfer procedure, it is possible that transfer requests will increase.

### SPECIAL EDUCATION

The attached statistical report relating to special education reveals that 235 physically handicapped children, 420 mentally handicapped children, 446 children with emotional problems and 1694 children with speech problems received education or services in the schools during the past year. Although it is not included in the report, approximately the same number of children in the City of Grand Rapids received similar education and services. Thus, over 7000 children benefited from the special education program in the county during the school year, 1961-1962.

Since special education began in 1957 on a county-wide basis, it has shown a continuous numerical growth. However, more important, the growth in quality of pro-

gramming appears to have kept steady pace. Not only are more children being served but they are receiving improved education and services.

An example of this is the high school program for the mentally handicapped. The federal government regarded our program planning in this area highly enough to award us the only research grant to a county in special education in the nation. Our method of psychological and psychiatric consultation is being followed throughout the state as is our preschool inservice training conference. The speech therapy staff, in cooperation with Western Michigan University, also has a federal grant to study how to predict the successful maturation of speech. Our diagnostic staff is studying how to predict which children will have difficulty in school learning. All these things point to a dynamic, forward-looking program.

Members of the special education staff also have had important roles in planning the new unit for the deaf and hard of hearing at the Shawnee Park Elementary School, recently completed; the Lincoln School for trainable retarded, now under construction; and the consolidation of three community agencies, serving the physically handicapped at Mary Free Bed. These are all signs of progress in aiding the handicapped of our community.

[fol. 43] Thus, in direct services to children, parents, and schools; in research to improve our techniques and methods of functioning; and in community planning, special education is playing a significant role in assisting the handicapped toward a goal of independent living.

- J. TAX ALLOCATION BOARD—The Michigan statute provides that the county superintendent of schools shall serve as a member of the tax allocation board. As most county officials know, this is a most unhappy and frustrating responsibility. To witness respected and con-



scientific school, township and county officials plead for funds most of which are vital to the education, health and safety of their people; to see the bitterness which sometimes is generated between men of honor is most disheartening. We were, however, impressed with the conduct of fellow members of the allocation board. Everyone familiar with the problem knows that the 15 mill limitation is "impossible" under today's conditions. So all members of the board acted out of conscience and did the best they could with an unpleasant duty that had to be done.

- K. INTERMEDIATE SCHOOL DISTRICT MAP—Each county board of education shall make or cause to be made a map of the county, showing by district lines thereon the boundaries of each school district—(*General School Laws* Sec. 297). For the first time in many years an overall school district map was published and distributed. It was used during the year and proved to be invaluable to all interested in school district affairs; transportation, annexation, taxation, etc.

### III

#### PERMISSIVE ACTIVITIES

"The County Board of Education shall be empowered to furnish services on a consultant or supervisory basis to any school district employing a superintendent of schools, upon request of the board of education of that district." (*General School Laws*, Par. Sec. 297)

*Teaching is a profession which demands much of its members. The effective teacher must be an informed and alert person. He must be a keen student of sociology and psychology. Above all things he must be an inspired person.*

There are four professional teachers and one and one half secretaries who labor in this important division of the

offices of the County Board of Education. Every task they perform is directed at helping the individual teacher be a better prepared, a more understanding person and to be inspired.

The county or intermediate office is in a unique position to do this. (1) The four consultants in the county office are themselves highly skilled teachers made so by excellent training and experience. They are people of ideas, deeply interested in children and ways of making their school experiences more productive.

[fol. 44] (2) The county office is in the best position to exercise leadership at a local level; to act as an intermediary between the Department of Public Instruction and the local school level. (3) Colleges, universities and other institutions interested in education, find it more convenient to work through one county office than to attempt to work with each of the hundreds of school districts in the state. In this way helps are brought to the local school which would not otherwise be available.

Most of the larger school districts in Kent County are faced with three perennial problems. (1) Inadequate funds in the face of rising costs. (2) Shortage of well prepared, well qualified teachers and (3) rapidly increasing enrollments. Therefore they for the most part find it impossible to provide extra staff members such as consultants, people to make a specialty of administering to many excellent ability and performance tests which are available today. The master teacher from the county office is needed as never before to assist schools understaffed to make teaching more effective.

In the following is a description of the main activities of the curriculum consultant. The county is divided into four areas and one consultant serves each area. In addition each consultant has one or more special responsibilities. One of

the staff works exclusively with the primary school districts where direct supervision of instruction is provided.

### DIAGNOSTIC and REMEDIAL READING SERVICE—

Probably the ability to read is the gateway to the ability of the student to be successful in his school program. While most children are successful in the regular reading program, there is always a considerable number of children who have difficulties. These difficulties may stem from (1) ability level, (2) emotional problems, (3) problems of growth and development or (4) physiological problems. In short these children need special study. This vital service is provided by the county office.

#### *How does it operate?*

The program of the Reading Service does not supplant or interfere with functions normally carried out in the local school districts. The staff has no supervisory functions. Assistance is given only when it has been requested.

#### *Diagnostic*

Children who are referred for diagnostic testing must be disabled readers. Any child with a discrepancy between his mental capacity and reading achievement may be considered a disabled reader. Thus there are cases of reading disabilities among pupils of low, average, and high mental capacities.

In most cases first and second grade children would not need diagnosis. Third grade children who are one year below achievement level and fourth, fifth and sixth grade children who are a year or more, are possible disabled readers.

#### *[fol. 45] Diagnostic service may include:*

Administration of intelligence tests, reading tests, individual and diagnostic tests. Use of informal reading inven-



tories. Use of projective techniques. After completion of diagnosis, written reports are given to school and home. Interpretation and recommendations are made through conferences with school personnel and parents.

***Materials and resource center:***

The Reading Center will maintain an extensive library for curriculum materials in professional books, pamphlets and guides from various schools. It will stock specialized series of books, basic reading books, and magazines. Particular emphasis is placed on corrective or remedial materials. Samples of tests, teaching aids, and practical teacher resources in reading will be maintained in the library for teacher use.

**Activities relating to materials might include:**

- Provide teachers with resource materials and mimeographed helps
- Work with faculty groups on resource materials for special studies
- Arrange displays and give demonstration on use of materials
- Arrange for staff or committees to use filmstrips, movies or special aids in language arts
- To loan professional books, pamphlets and guides
- For the past year some school equipment by local manufacturers has also been on display in the Materials Center

**CURRICULUM SERVICES**—In these days of tremendous changes in every phase of human experience, it is so very important that school people keep abreast of new and better materials, of new methods of constant weighing the methods they are employing in their teaching. *There is so much more to teach today.* With the incidental learning which children get out of school via television, papers, magazines, etc. holding their attention in school and help-

ing them to think logically; to piece together all of the bits of knowledge, takes much more skill on the part of the teacher. The consultant from the county office:

1. Help local teachers groups to—
  - (a) Study new textbooks in all subject matter fields
  - (b) Individual conferences with teachers, superintendents, principals
  - (c) Use and interpret testing programs
  - (d) Develop kindergarten guide
  - (e) Conduct evaluation of entire school program

**INSERVICE TRAINING**—The activities of the curriculum staff in the field of inservice education of teachers on the job in helping these busy people to keep "up with the times" are especially appreciated by the teachers of Kent County. On March 16, 1962 the annual county-wide institute was held at Wyoming Park High School when some 1500 teachers met with 26 educational and other leaders to discuss educational problems and to be inspired.

[fol. 46] They met in general session where they were addressed by President Stephen Nisbet of the Constitutional Convention and by Dr. James Zumberge, President of Grand Valley College. Later they met in thirty-six different groups to discuss practically every phase of education. Cost of this was borne by the institute fund paid by the teachers of the county.

Through the efforts of one of the consultants, a county chapter of the *International Reading Association* was organized. The purpose of this organization is the improvement of reading. This same person was also active promoting a seminar on *Alcohol Education* in which several Kent County teachers participated.

Liaison was also maintained with the Grand Rapids Kent County Health Department and a county consultant served as secretary of the group.

## SUMMER READING INSTITUTE

Patti Cummins from Michigan State University worked with 19 teachers from June 18, 1962 through August 3, 1962.

The teachers and the director met daily for seven weeks from 8:00 A.M. to 12:00 P.M.

Teachers received nine term hours of credit in advanced reading work. Time was devoted to reviewing developmental skills in reading, diagnostic techniques and tests used in identifying reading difficulties and methods and material available for remedial reading.

### *Monday, June 26th*

Seventy boys and girls currently placed in grades through six, who were previously screened to determine a reading retardation of one year or more, enrolled. Sixty children were from Kent County schools, eight from Grand Rapids schools and two from non-public.

Children worked with their teachers from 10:30 till 12:00 daily for six weeks.

Each child received individual diagnostic test to identify their need then were given individual instruction. Each teacher worked with three or four children.

The program was sponsored by Northview Public Schools, Kent County Board of Education and Michigan State University.

## KENT COUNTY SUMMER SCHOOLS DRAW MANY CHILDREN

### *Vacation School*

Monday, June 18, 1962 most boys and girls and many teachers relaxed and started making interesting plans for the summer. However, 28 teachers, four special teachers



in art, music, reading, physical education and seven speech therapists arrived at North Godwin Elementary School to be greeted by Mrs. Helen Wolfin, Director of the Summer [fol. 47] School and make plans for the next six weeks.

Tuesday, June 19, 1962, 296 boys and girls ranging from pre-school through six grade level were enrolled. Fifty-one children came from Grand Rapids Public Schools; 61, non-public schools and 184, Kent County Public Schools.

Purposes of this summer program were really two-fold:

Twenty-eight experienced teachers working under the guidance of Western Michigan University received concrete experience in using new materials and teaching techniques. They also earned six semester hours of directed teaching credit required for permanent certification.

Boys and girls had a continuation of their regular school year in directed reading, arithmetic, spelling and language. Planned enrichment was experienced in science, social studies, music and art and opportunities for some individualized help.

They worked in an environment that was rich with an abundance of library books, 16mm films, film strips and arts and crafts materials.

This summer vacation school was made possible through the combined efforts of Godwin Public Schools, Kent County Board of Education and Western Michigan University.

The *Audio Visual Department of the Kent County Board of Education* has found greater acceptance by the schools of the county each year of its existence in spite of the large number of school consolidations. The cost of film strips, 16mm films and cost of film cataloging, purchasing, and distributing is all borne by school participants. The only cost to the county is the personnel, one person working in

the film library and that portion of the consultant's time in directing the department. (See appendix for financial report).

The Audio-Visual Program has completed its seventh year of service to the county schools.

Participants for 1961-1962 (second year of N.D.E.A. Program). Filmstrips and 16mm:

Schools enrolled	113 (buildings)
Children served	13,816
Teachers served	627
9,000 filmstrips serviced	2,322 16mm films serviced
4,500 sent out	1,161 sent out
4,500 returned	1,161 returned

The library is still in its infancy, yet everyone seems well satisfied with the quality of material and service it offers. [fol. 48] Teachers feel that these audio-visual materials make a definite contribution to the enrichment of their teaching.

Membership has been offered this year on a per teacher basis or on a membership basis by schools placing materials in our library ordered under Title III of the N.D.E.A.

Last fall \$2,390.10 worth of materials were added to the program through N.D.E.A. orders. \$1,050.06 was also spent on material from the audio-visual budget.

In November 1961, orders were placed by local schools for additional 16mm films and filmstrips, which will give service for 1962-1963 school year. These materials will be placed in the library and be ready for circulation by fall.

Membership on per teacher basis is not offered in just 16mm at this time. Schools may enroll in just filmstrip, or filmstrip and 16mm program. The plan is as follows for 1962-1963.

### *Membership Fee*

<i>Teachers</i>	<i>Filmstrip ONLY</i>	<i>Also 16mm Enrollment</i>	<i>Total for both filmstrips and 16mm Enrollment</i>
1 thru 6 teachers	\$15 per teacher	\$10 per teacher	\$25 per teacher
7 thru 14 teachers	\$90 plus \$7.50 per teacher above 6 teachers	\$10 per teacher	\$90 plus \$17.50 per teacher above 6 teachers
15 teachers and over	\$150 plus \$5.00 per teacher above 14 teachers	\$7.50 per teacher above 14 teachers	\$150 plus \$12.50 per teacher above 14 teachers

To be eligible for services, all elementary teachers in school must enter the program. Teachers can order by mail or telephone from the catalog.

Each teacher is allowed three filmstrips per week

Each teacher is allowed one-16mm film per week

Films and filmstrips may remain in the school three days and returned on the fourth. We mail films and filmstrips to schools. Return postage is paid by the school:

4 cents postage for filmstrips (3 in a container)

16mm film, one reel —6 cents  
two reels—8 cents

### [fol. 49] THE COUNTY SUPERINTENDENT— THE ANSWER MAN

This title may seem presumptuous but one is amazed at the number and variety of requests for help which come to



this office. The other day an individual called for the correct spelling of the name "Kremlin". True this is unusual, most of the questions are on schools, teachers, school district boundaries, tuition, transportation, school programs, school law. It is a source of pride to be members of the staff that this office is considered as a reliable source of some general and much special information.

The county superintendent finds himself by virtue of his office participating in many duties. He is a member of the County Library Board. He is also a member of the Grand Rapids Chamber of Commerce Education Committee; also of the YMCA Education Committee. This past year the county superintendent was active in revitalizing the Kent County School Board Association culminating in an annual banquet attended by 250 board members and their wives.

The county superintendent is also the executive secretary of the Kent County School Administrators Association and as such is responsible for programs of that organization.

[fol. 50]

## APPENDIX

## STATISTICAL DATA

*Personnel**Number of  
Positions***A. Regular Program**

Members of the Board of Education	5
Superintendent	1
Assistant or Deputy Superintendent	1
Curriculum Consultants (Serving both elementary and secondary)	4
Special Education personnel as defined below in "B"	34
Child Accountant	1
Visiting Teachers	9
Secretarial and Clerical	7
Music Teachers (part time)	3
	—

Grand Total Personnel	65
-----------------------	----

**B. Special Education**

Director and Assistants	2
Diagnosticians of Mentally Handicapped	5
Type "C" Consultants for Mentally Handicapped	5
Teacher Counselors for Physically Handicapped	1
Teachers of the Homebound and/or Hospitalized	3
Speech Correctionists	14
Secretarial	4
	—

Total Special Education Employees	34
-----------------------------------	----

SCHOOL OPERATING COSTSJuly 1, 1960 - June 30, 1961

	<u>Gen. Funds</u> <u>Receipts</u>	<u>Gen. Fund</u> <u>Disbursements</u>	<u>Gen. Fund</u> <u>Property Tax</u>	<u>All State Aid</u>	<u>Voc. Ed.</u> <u>N.D.E.A.</u> <u>Grants</u>	<u>Paid on Bonds</u>	<u>Val. of Dist.</u>
Ada 6fr	\$ 6,951.25	\$ 7,030.32	\$ 2,083.57	\$ 4,865.68	\$	\$	\$ 231,466.00
Algoma 1fr	844,048.47	851,814.78	206,098.56	396,540.91	6,270.98	77,000.00	17,501,794.00
Alpine 10	10,845.72	8,295.12	7,351.44	3,423.34			923,292.00
Byron 1fr	526,929.31	458,257.93	152,856.32	250,108.47	6,661.22	30,000.00	10,908,632.00
Caledonia 1fr	491,415.48	440,953.35	113,773.10	319,887.53	8,036.05	58,000.00	14,567,618.00
Cascade 7fr	11,979.41	11,697.94	2,681.29	8,907.95			375,841.00
Courtland 1	20,486.01	22,014.03	8,102.01	10,912.45			1,053,443.00
Courtland 3	14,901.73	14,760.93	4,071.30	10,193.41			530,792.00
Courtland 5	15,956.24	15,882.82	4,922.16	10,669.92			447,756.00
Courtland 6fr	8,653.25	8,168.78	3,333.06	5,098.87			293,723.00
Gaines 3	10,601.45	7,214.01	5,917.43	4,000.57			528,680.00
Grand Rapids							
City	12,596,176.13	12,331,204.22	6,426,039.18	4,908,738.20	163,953.22	79,000.00	605,528,134.00
3fr	1,732,923.44	1,675,945.58	908,691.76	500,394.27	8,038.82	290,000.00	65,433,117.00
15fr	970,954.03	946,409.21	311,701.25	492,675.36	2,885.97	70,500.00	26,841,265.00
Grattan 1fr	47,824.57	47,060.77	16,460.11	28,007.92	315.73	3,000.00	2,129,065.00
Grattan 3fr	4,394.57	4,577.81	3,132.93	1,225.50			357,730.00
Grattan 5fr	14,666.72	13,578.84	10,934.79	3,420.00			1,414,303.00
Grattan 6fr	9,436.85	10,019.08	5,490.52	3,944.61			651,142.00
Lowell 1fr	603,348.04	595,191.24	127,520.71	310,939.95	5,526.64	35,000.00	14,574,041.00
Lowell 6	7,037.22	6,236.40	2,391.49	4,636.93			270,982.00
Nelson 2	8,369.59	8,735.28	2,130.14	6,134.44			269,664.00



SCHOOL OPERATING COSTSJuly 1, 1960 - June 30, 1961

	<u>Gen. Funds</u> <u>Receipts</u>	<u>Gen. Fund</u> <u>Disbursements</u>	<u>Gen. Fund</u> <u>Property Tax</u>	<u>All State Aid</u>	<u>Voc. Ed.</u> <u>N.D.E.A.</u> <u>Grants</u>	<u>Paid on Bonds</u>	<u>Val. of Dist.</u>
Nelson 3fr	\$ 14,450.65	\$ 13,309.71	\$ 5,228.36	\$ 9,172.20	\$	\$	\$ 629,421.00
Nelson 4fr	14,510.50	13,744.25	3,621.33	10,884.66			363,081.00
Nelson 5fr	429,800.35	428,731.56	50,321.03	254,963.35	8,255.75	15,000.00	6,447,159.00
Nelson 6	7,216.15	7,058.55	1,541.34	5,545.49			176,646.00
Nelson 7fr	9,026.61	8,309.02	2,724.48	5,569.66	54.31	2,000.00	225,180.00
Nelson 9fr	118,428.93	120,105.73	19,326.73	54,156.31		3,000.00	1,374,587.00
Oakfield 3fr	20,273.31	20,406.83	7,893.74	11,714.62			664,149.00
Paris 6fr	1,769,177.17	1,554,619.61	869,921.71	468,972.44	17,556.72	35,000.00	71,306,534.00
Paris 8fr	12,630.64	9,179.82	8,887.37	3,676.50			1,017,290.00
Paris 12fr	1,120,875.24	1,051,022.29	460,703.11	463,806.62	4,315.74	112,200.00	29,204,852.00
Plainfield 3	6,611.29	9,267.58	4,964.98	1,111.50	49.64		1,010,548.00
" 9fr	567,691.25	624,831.99	174,130.30	306,921.23	11,967.14	33,500.00	9,434,259.00
" 16fr	740,606.40	653,857.36	230,513.44	453,546.00	5,141.76	49,000.00	25,279,516.00
Solon 4	24,086.75	22,657.07	5,032.95	17,882.50	125.51	1,900.00	491,319.00
Solon 6fr	7,808.36	8,022.92	2,590.20	4,960.53			336,406.00
Solon 8	7,493.03	7,079.19	2,198.32	5,138.87			268,216.00
Sparta 2fr	683,139.80	642,255.96	174,865.54	449,449.79	9,487.67	82,000.00	118,699,329.00
Spencer 1fr	14,690.56	13,262.58	2,910.65	10,341.50			426,500.00
Spencer 2	7,964.49	7,551.35	2,369.74	5,439.26		400.00	210,677.00
Tyrone 4fr	365,151.03	348,550.51	51,418.65	202,165.07	5,011.73	11,000.00	4,869,278.00
Tyrone 8fr	40,421.00	44,316.40	8,414.59	24,767.00	241.95		1,018,491.00
Vergennes 1	2,578.00	4,855.69	1,890.53	346.31			240,166.00

[fol. 53]

	Gen. Funds Receipts	Gen. Fund Disbursements	Gen. Fund Property Tax	All State Aid	Voc. Ed. N.D.E.A. Grants	Paid on Bonds	Val. of Dist.
Vergennes 4fr \$	9,370.06 \$	8,726.24 \$	4,865.05 \$	4,464.21 \$			618,604
Vergennes 5	8,404.54	7,636.10	3,017.79	5,420.30			333,813
Vergennes 7	8,23.20	8,770.95	4,245.27	4,517.75			541,666
Vergennes 11	7,984.16	6,911.86	3,396.22	4,537.94			394,291
Walker 1	7,216.70	8,057.50	6,446.60	427.50			1,438,441
Walker 11	194,203.07	185,574.05	121,405.92	67,677.32		9,000	13,726,745
Walker 16fr	435,490.12	422,792.56	182,457.51	223,803.95	4,241.06	32,000	19,705,953
Wyoming 1fr	941,265.29	879,516.99	302,550.50	547,341.01	13,024.35	122,000	35,098,876
" 2fr	676,083.92	614,031.76	108,881.57	450,964.12	5,000.66	57,000	15,069,675
" 4	670,920.46	641,933.91	366,742.31	211,775.90	6,553.64		36,765,896
" 7	643,064.58	636,925.40	327,026.00	204,376.40	10,350.95		26,586,176
" 8fr	759,339.78	731,028.00	248,010.51	394,074.30	3,432.00	66,000	19,925,812
" 9	816,008.40	762,030.99	258,218.88	354,537.10	6,015.34	69,000	20,342,151
* Algona 2fr	147,340.05	145,444.88	27,011.44	115,190.40		20,000	3,520,051
* Courtland 2	9,548.00	9,760.20	4,049.76	5,221.49			207,400
* Courtland 4fr	8,773.96	10,130.96	3,913.89	4,681.55			392,296
* Plainfield 15fr	16,402.79	17,969.66	3,962.65	9,223.04	262.06	5,000	457,767
* Solon 5	3,561.67	4,606.87	2,670.17	883.50			313,863
* Cannon 2fr	29,221.87	30,313.45	7,018.56	20,867.10		2,000	900,582
* Cascade 12fr	1,269.38	1,990.69	100.88	1,168.10			483,037
* Lowell 12	8,179.93	7,132.74	4,072.76	3,933.80	18.52		503,882
Total	\$29,336,974.90	28,349,356.01	12,487,513.34	12,691,002.13	316,910.54	1,383,500	1,147,515,378

\*Annexed to other districts in 1961-1962



**SCHOOL CENSUS AS OF MAY 31, 1962**

District	Under 5	5 to 19	Total
Ada 6fr	9	28	37
Algoma 1fr	1,037	3,002	4,039
Alpine 10	37	68	105
Byron 1fr	737	1,933	2,670
Caledonia 1fr	681	1,821	2,502
Cascade 7fr	27	60	87
Courtland 1	47	106	153
Courtland 3	29	73	102
Courtland 5	29	62	91
Courtland 6fr	19	44	63
Gaines 3	17	40	57
Grand Rapids City	21,739	54,563	76,302
Grand Rapids 3fr	1,143	4,065	5,208
Grand Rapids 15fr	980	2,841	3,821
Grattan 1fr	89	246	335
Grattan 5fr	50	143	193
Grattan 6fr	29	51	80
Lowell 1fr	770	1,873	2,643
Lowell 6	25	32	57
Nelson 2	14	52	66
Nelson 3fr	18	71	89
Nelson 4fr	20	85	105
Nelson 5fr	465	1,134	1,599
Nelson 6	16	37	53
Nelson 7fr	11	47	58
Oakfield 3fr	33	111	144
Paris 6fr	1,597	4,017	5,614
Paris 8	43	138	181
Paris 12fr	2,332	4,118	6,450
Plainfield 3	24	52	76
Plainfield 9fr	851	1,642	2,493
Plainfield 16fr	1,396	2,633	4,029
Solon 4	60	132	192
Solon 6fr	20	55	75
Solon 8	15	43	58
Sparta 2fr	992	2,655	3,647
Spencer 1fr	18	60	78
Spencer 2	9	35	44
Tyrone 4fr	365	996	1,361
Tyrone 8fr	79	191	270
Vergennes 1	14	16	30
Vergennes 4fr	15	68	83
Vergennes 5	20	49	69
Vergennes 7	29	62	91
Vergennes 11	10	34	44
Walker 1	8	21	29
Walker 11	166	782	948
Walker 16fr	939	2,344	3,303
Wyoming 1fr	1,636	3,979	5,615
Wyoming 7	726	2,241	2,967
Wyoming 8fr	1,330	2,823	4,153
Wyoming 11	3,861	8,245	12,106
<b>TOTAL</b>	<b>44,646</b>	<b>110,019</b>	<b>154,665</b>



# KENT COUNTY BOARD OF EDUCATION FINANCIAL REPORT

JULY 1, 1961 - JUNE 30, 1962

## OPERATING FUND

Balance July 1, 1961

\$ 56,439.24

## RECEIPTS

### State Aid

1962 Kent County Appropriation  
Transfer from Special Education  
Transfer for Longevity  
Election expense reimbursement  
Sale of maps  
Refund

\$ 16,000.00  
81,984.00  
2,730.00  
253.50  
426.39  
13.50  
32.40

## TOTAL RECEIPTS

\$101,439.79  
\$157,879.03

## TOTAL RECEIPTS PLUS BALANCE

## DISBURSEMENTS

### Salaries

School Board per diem  
Office supplies  
Printing and binding  
Telephone  
Teaching supplies  
Transportation and travel  
Equipment repairs and Maintenance  
Postage

\$ 84,549.03  
2,135.99  
1,687.54  
5,672.54  
1,884.29  
537.31  
3,321.53  
293.88  
1,229.00  
1,430.44  
62.79  
222.41  
71.62

### Equipment - Capital Outlay

Conference meetings  
Election expense  
Visual Aid maintenance and repair

## TOTAL DISBURSEMENTS

\$103,098.37  
54,780.66  
\$157,879.03

BALANCE JUNE 30, 1962 - OPERATING FUND

## TOTAL DISBURSEMENTS PLUS BALANCE

\* \* \* \* \*

## MUSIC FUND

Balance July 1, 1961

\$2,153.83

### Receipts

Total Receipts Plus Balance

\$4,926.83

### Disbursements

### Salaries

Transportation and Travel

Total Disbursements

Balance June 30, 1962

\$2,400.84  
706.21

\$3,107.05

\$ 1,819.78

## SCHOOL SUPPLIES FUND

Balance July 1, 1961

\$ 184.79

### Receipts

Total Receipts Plus Balance

\$ 710.12  
524.40

### Disbursements

Balance June 30, 1962

\$ 197.72

## VISUAL AID

Balance July 1, 1961

\$1,659.64

### Receipts

Total Receipts Plus Balance

\$3,417.34  
1,217.51

### Disbursements

Balance June 30, 1962

\$2,199.83



# AUDIT FUND

Balance July 1, 1961	\$2,171.39	
Receipts	3,252.00	
<u>Total Receipts Plus Balance</u>	\$5,423.39	
Disbursements		
Salaries	\$4,500.80	
Travel	124.18	
<u>Total Disbursements</u>	4,624.98	
Balance June 30, 1962		\$ 798.41

BALANCES July 1, 1961--ALL FUNDS	\$ 62,608.89
TOTAL RECEIPTS - ALL FUNDS	\$109,747.82
TOTAL DISBURSEMENTS - ALL FUNDS	\$112,560.37
BALANCES June 30, 1962--ALL FUNDS	\$ 59,796.40

## \* \* \* \* \* SPECIAL EDUCATION

Balance July 1, 1961	\$457,718.88
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Receipts	
Current Tax Collections	\$530,794.28
Delinquent Tax Collections	34,160.71
Interest on Delinquent Taxes	1,705.20
State School Aid	133,300.00
Interest on Investment	14,284.27
Refunds	243.26
Workshop fees	787.36
<u>Total Receipts</u>	
Total Receipts Plus Balance	\$715,275.08

\$1,172,993.96

Disbursements	
Administrative salaries (clerks)	\$7,622.50
Administrative supplies	1,378.13
Building Rental	1,900.00
Salaries - Supervisors	19,782.97
Teaching	222,647.51
Clerical	10,323.85
Transportation and Travel	15,579.79
Employees Hospital Insurance	3,986.08
Teaching Supplies	2,278.65
Library	171.73
Custodial salaries	410.00
Telephone	1,618.70
Building and Janitor supplies	167.79
Building maintenance	1,361.46
Equipment maintenance	338.55
Insurance	82.02
Office Equipment	2,294.26
In-service expense	2,553.73
Transportation of pupils	1,137.94
Payments to operating districts	339,989.22
Tuition Reimbursements	37,451.71
Rehabilitation program	18,670.26
Capital Outlay-Room Construs.	256,106.68
<u>Total Disbursements</u>	
Cash Balance June 30, 1962	\$947,853.53
Total Disbursements Plus Balance	225,140.43

\$1,172,993.96

## MEMBERSHIP DATE - SEPTEMBER 29, 1961

1960 U.S. Census - Kent County total population -- 363,187

SCHOOL DISTRICTS

21 superintendencies	Second Class	1
33 rural	Third Class	4
<u>34 Total</u>	Fourth Class	18
	Primary	28
	Closed	3
	<u>Total</u>	<u>54</u>

## CITY OF GRAND RAPIDS

Public

31,162.1

KENT COUNTY

42,010

TOTAL Public

73,172

## CITY OF GRAND RAPIDS

Non-Public

18,866

KENT COUNTY

Non-Public

7,169

TOTAL Non-Public

26,035

GRAND TOTAL

99,207

## CITY OF GRAND RAPIDS

Public

Elementary	19,566
Secondary	<u>11,596.1</u>

31,162.1

Non-Public

Elementary	13,906
Secondary	<u>4,960</u>

18,866

TOTAL CITY

50,028.10

KENT COUNTY

Public

Elementary	27,485
Secondary	<u>14,525.25</u>

42,010.25

Non-Public

Elementary	5,315
Secondary	<u>1,854</u>

7,169

TOTAL COUNTY

49,179.25

Increase over 1960

Grand Rapids

Public

3,274.8

Non-Public

1,207

County

Public

252.25

Non-Public

(506)

Total Increase

3,527.05

Public

701

Non-Public

4,228.05



Kent County

Membership Report by Districts  
as of September 29, 1961

LIST ALL DISTRICTS ACCORDING TO INSTRUCTIONS  
INCLUDE CLOSED DISTRICTS

Dist. No.	Township or City	Name of Sch.	Elem. Memb.	Secondary Memb.	Open	Closed
1	Grand Rapids	Gr. Rpd. Cy.	19,566	11,596.1	X	
6fr	Paris	Godwin	1,995	1,324	X	
16fr	Plainfield	Northview	1,610		X	
1fr	Byron	Byron Comm.	617	444	X	
1fr	Caledonia	Caledonia	846	606	X	
8fr	Tyrone	Casnovia	137		X	
5fr	Nelson	Cedar Springs	653	661	X	
9fr	Plainfield	Comstock Park	891	486	X	
3fr	Grand Rapids	E. Gr. Rapids	1,923	1,246	X	
11	Walker	Fairview	455		X	
15fr	Grand Rapids	Forest Hills	1,575	970	X	
7	Wyoming	Godfrey-Lee	782	646.25	X	
1fr	Wyoming	Grandville	1,734	1,321	X	
8fr	Wyoming	Kelloggsville	1,319	801	X	
4fr	Tyrone	Kent City	528	404	X	
16fr	Walker	Kenowa Hills	1,062	467	X	
12fr	Paris	Kentwood	1,833	730	X	
1fr	Lowell	Lowell	943	718	X	
2fr	Wyoming	Methall	2,421		X	
1fr	Algoma	Rockford	1,482	1,129	X	
9	Wyoming	Rogers	1,186	818	X	
9fr	Nelson	Sand Lake	123	96	X	
2fr	Sparta	Sparta Area	1,503	868	X	
4	Wyoming	Wyoming Park	799	790	X	
1fr	Grattan	Grattan Cent	146		X	
6fr	Ada	Farrell	15		X	
10	Alpine	Boyd	27		X	
7fr	Cascade	Snow	43		X	
1	Courtland	Stinson	58		X	
3	Courtland	Courtld. Cent.	53		X	
1	Courtland	Benham	35		X	
6fr	Courtland	Evans	21		X	
3	Gaines	Dodge	26		X	
3fr	Grattan	Cooley			X	
3fr	Grattan	Talbot	34		X	
6fr	Grattan	Ashley	23		X	
6	Lowell	Mapes	22		X	
2	Nelson	Punchas	25		X	
3fr	Nelson	E. Nelson	35		X	
4fr	Nelson	White Dove	49		X	
6	Nelson	Nelson Center	21		X	
		TOTAL				

**LIST ALL DISTRICTS ACCORDING TO INSTRUCTION  
INCLUDE CLOSED DISTRICTS**

[illegible]



## KENT COUNTY NON-PUBLIC SCHOOLS MEMBERSHIP, September 29, 1961

School	Kgn.	1	2	3	4	5	6	7	8	9	10	11	12	0	El.	Sec.	Teachers	Sch. District
Ada Christian	21	15	16	20	17	11	20	18	13	20	-	-	-	-	120	51	6 - 2	GR 15fr
Byron Cen. Chr.	42	51	49	51	69	51	40	40	35	22	-	-	-	-	353	97	12 - 3	Byron 1fr
Childrens Retreat	-	-	-	-	-	-	-	-	-	-	-	-	-	142	142	-	4 -	Paris 12fr
Cutlerville Chr.	59	65	51	51	49	32	46	31	35	35	-	-	-	-	353	101	13 - 3	Paris 12fr
Dutton Chr.	13	14	19	17	16	14	11	17	16	9	-	-	-	-	104	42	3 - 2	Caledonia 1fr
E. Paris Chr.	21	11	20	24	25	22	17	32	10	20	-	-	-	-	140	62	5 - 2	Paris 8
Godwin Immanuel	53	45	51	36	39	41	33	21	23	22	-	-	-	-	298	66	10 - 3	Wyoming 9
Grandville Chr.	56	47	49	43	51	40	31	36	26	18	-	-	-	-	317	80	10 - 3	Wyoming 1
Hope Prot. Ref.	20	32	29	25	24	18	20	11	16	14	-	-	-	-	160	41	7 - 2	Wyoming 1
Kelloggville Chr.	46	57	35	31	41	33	22	25	15	31	-	-	-	-	265	71	8 - 2	Wyoming 8fr
South Chr. High	-	-	-	-	-	-	-	-	-	-	149	91	98	-	-	308	10	Paris 12fr
Southwest Chr.	62	60	60	52	58	63	56	93	85	85	-	-	-	-	411	263	13 - 9	Wyoming 7
Walker Chr.	14	19	15	13	21	12	15	13	8	12	-	-	-	-	109	33	3 - 3	Walker 16fr
Wyo. Park Chr.	53	56	45	37	38	45	20	-	-	-	-	-	-	-	302	-	10 -	Wyoming 4
Trinity Lutheran	-	11	11	12	9	11	15	17	12	-	-	-	-	-	90	-	3	Sparta 2fr
Assumption B.V.M.	-	31	37	27	36	25	16	20	12	-	-	-	-	-	204	-	6	Algona 1fr
Holy Name	-	80	64	51	59	55	53	51	50	-	-	-	-	-	463	-	9	Wyoming 7
Holy Trinity	-	26	88	20	20	26	27	30	24	-	-	-	-	-	209	-	5	Walker 16fr
St. John Vianney	-	-	148	115	131	122	100	78	95	-	-	-	-	-	789	-	18	Wyoming 1fr
St. Marys	-	17	21	14	15	15	11	15	12	-	-	-	-	-	120	-	4	Lowell 1fr
St. Patrick	-	31	26	26	22	27	20	18	13	16	16	13	11	-	152	87	4 - 3	Grattan 5fr
St. Sebastian	-	-	-	25	23	21	20	-	-	-	-	-	-	-	89	-	2	Byron 1fr
St. Stephan	-	90	70	79	69	65	64	67	52	-	-	-	-	-	556	-	16	C.R. 3fr
St. Pius the X	-	-	-	-	39	31	18	17	-	-	-	-	-	-	105	-	3	Wyoming 1fr

Total 460 752 844 777 871 780 683 650 552 304 135 104 109 142 5067 1302 174 47



# TRANSFERS, ANNEXATIONS AND CONSOLIDATIONS

July 1, 1961 to June 30, 1962

## TRANSFERS

Date	Ac'ge	Val.	Pupils Involved	From District	To District
1961					
July 17 (3)	180A	\$13,550	3	Alpine 10 (Boyd)	Sparta
July 17	5A	200	-	Sparta	Rockford
July 17	49A	2,000	1	Lovell 6 (Mapes)	Lovell
Aug. 15 (7)	10A	5,200	13	Keene 2fr (Sayles)	"
Aug. 21	154A	2,500	1	Vergennes 5 (Water)	"
Aug. 21	100A	2,600	1	Vergennes 4fr (Moseley)	Belding
Aug. 28 (2)	115A	3,300	1	Nelson 2 (Punches)	Cedar Springs
Aug. 28	80A	2,200	2	Grattan 1fr (Grattan Ctr)	Rockford
Sept. 18	2A	1,800	5	Kenowa Hills	Comstock Park
Dec. 29 (2)	4A	Not est.	0	East Gr. Rapids	Forest Hills
1962					
April 16	115A	5,200	1	Hudsonville	Grandville
April 16	70A	1,100	0	Rockford	Forest Hills
April 16	2A	2,500	1	Gaines 3 (Dodge)	Kentwood
April 16	2.7A	3,100	0	East Gr. Rapids	Forest Hills
May 21 (3)	125A	4,000	7	Tri-County Area Schools	Cedar Springs
May 21 (2)	5A	2,300	3	Oakfield 3fr (Morton)	Greenville

CONSOLIDATIONS

<u>Date</u>	<u>Dist. Involved</u>	<u>Number of Pupils</u>	<u>New District Name</u>	<u>New Dist. Val.</u>
Jan. 16, 1962	Newhall, Wyoming Park, Rogers	Membership 6,016 Census 6,861	Wyoming #11 Wyoming Public Schools	\$75,076,238

ANNEXATION  
ELECTION

<u>Date</u>	<u>District to be Annexed</u>	<u>Annexing District</u>	<u>Val. of District</u>	<u>Number of Pupils</u>	<u>Val. of Annexing Dist.</u>	<u>Number of Pupils</u>
<u>1961</u>						
July 1	Briggs	Cedar Springs	\$ 313,863	31	\$ 6,447,159	Mem. 1146
July 1	Townline	(Caledonia Kentwood)	483,037	41	14,567,818 29,204,852	Mem. 1429 Mem. 2542
July 6	Cannonsburg	Rockford	900,582	166	15,245,325	Mem. 1731
July 6	Algoma Unit	Cedar Springs	821,851	75	6,447,159	Mem. 1146
July 31	Goff	Rockford	487,767	83	15,245,325	Mem. 1731
Aug. 23	Becker	Rockford	392,296	47	15,245,325	Mem. 1731
Aug. 24	Shank	Rockford	287,408	44	15,245,325	Mem. 1731
Aug. 26	Sweet	Lowell	503,882	30	11,631,742	Mem. 1362
Aug. 28	Ware	Lowell	166,839	33	11,631,742	Mem. 1362
Sept. 6 <u>1962</u>	Ltar (part)	Kenowa Hills	138,210	36	20,657,579	Mem. 1529
April 3	Land Lake	Howard City	1,286,493	230	5,141,984	Mem. 677
April 30	Cooley	Belding Area	358,380	37	15,337,886	Mem. 1566



KENT COUNTY SCHOOL DISTRICTS

	<u>2nd</u>		<u>3rd</u>		<u>4th Class</u>		<u>4th Class</u>		<u>Total</u>	
	<u>Class</u>		<u>Class</u>		<u>Non High</u>		<u>High School</u>		<u>Primary</u>	
	<u>School</u>		<u>School</u>		<u>School</u>		<u>School</u>		<u>Districts</u>	
July 1, 1961	1	2	2	4			19	35		61
June 30, 1962	1	3	3	3			15	30		52



# TRANSPORTATION IN KENT COUNTY

1960-1961

School	Trans.Exp.	No. Buses	No. Pupils	State Reimburs.	Mileage
Algoma Twp.	\$14,941.49	6	581	\$14,215.64	-
Byron Community	31,022.12	17	1,382	6,974.75	97,867
Caledonia	35,341.24	24	1,210	30,265.10	137,742
Cannonsburg	2,484.00	1	-	2,396.17	-
Casnovia	2,430.00	1	96	1,549.00	12,250
Cedar Springs	21,478.06	9	520	9,024.70	79,860
Constock Park	15,406.11	4	481	6,915.71	23,080
Forest Hills	48,989.81	31	2,108	47,224.06	203,035
Grandville	18,871.64	6	635	9,070.39	43,450
Grattan	5,388.70	2	116	5,348.54	9,360
Kenowa Hills	4,529.65	3	201	-	25,740
Kent City	14,746.36	9	593	14,883.95	64,350
Kentwood	32,571.42	15	1,900	17,827.52	80,491
Lowell	35,729.10	16+	811	21,552.83	129,692
Northview	18,771.77	9	916	22,037.70	92,595
Rockford	38,793.67	16+	1,108	21,407.42	134,446
Rogers	7,021.11	2	146	408.00	6,159
Sand Lake	9,417.39	4	147	3,601.53	29,196
Sparta	29,661.03	14	1,206	22,662.14	109,296

This report is confined to those districts operating bus fleets and does not list transportation payments and state reimbursements to sending districts.

## SPECIAL MILK PROGRAM

July 1, 1961 to June 30, 1962

	Total $\frac{1}{2}$ pts. Milk with lunch	Total $\frac{1}{2}$ pts. Milk without lunch	Amt. of Claim	Milk served Adults ( $\frac{1}{2}$ pts.)	Total Milk Purchased ( $\frac{1}{2}$ pts.)	Schools Serving Special Milk	Vending Machine	$\frac{1}{2}$ pts. @ 1¢
Algoma 1fr	224,256		\$8,970.24	3,989	332,942	7		
Byron Center		110,324	3,309.72		110,324	9		
Caledonia	74,968	13,372	3,399.88	3,887	133,209	4		
Cascade 7fr		6,705	201.15		6,705	1		
Courtland 1	4,632	428	189.12	144	9,373	1		
Courtland 3	5,288		158.64		5,288	1		
Courtland 5	4,038		121.14		4,038	1		
Gaines 3	3,156		94.68		3,156	1		
Grand Rapids City	1,155,912	957,381	74,958.91	22,695	2,572,028	43		
Grand Rapids 3fr	47,359	58,026	3,635.14	2,515	136,837	4		
Grand Rapids 15fr	39,164	138,096	5,709.44	2,674	278,269	9		
Grattan 1fr	10,616		424.64	550	17,168	1		
Grattan 5fr		1,934	58.02		1,934	1		
Lowell 1fr	73,901	19,565	3,542.99	5,309	150,695	4		
Nelson 5fr	44,745	8,356	2,040.48	923	108,786	3		
Nelson 6		3,002	90.06		3,002	1		
Nelson 7fr	461	894	45.26	131	3,121	1		
Nelson 9fr	2,470	15,143	553.09	171	20,355	1		
Oakfield 3fr		5,139	154.17		5,139	1		
Paris 6fr	359,717		14,388.68	4,809	502,320	5		
Paris 12fr	132,026	25,865	6,056.99	4,206	264,941	3		
Plainfield 3		3,679	110.37		3,679	1		
Plainfield 9fr	36,871	17,773	2,008.03	3,494	115,123	3		
Plainfield 16fr	13,607	132,050	4,505.78	2,147	165,399	7		
Solon 4		11,019	330.57		11,019	1		
Solon 6fr		4,614	138.42		4,614	1		
Solon 8		3,049	91.47		3,049	1		
Sparta 2fr	18,895	145,023	5,106.49	1,117	200,475	13		
Spencer 1fr	2,442		97.68		6,363	1		
Spencer 2		1,573	47.19		1,573	1		
Tyrone 4fr	42,406	41,317	3,302.07		150,756	1		34,632
Tyrone 8fr	11,647		473.88	367	20,380	1		
Walker 11		42,034	1,261.02		42,034	1		
Walker 16fr	65,403	50,322	4,125.78	1,359	148,413	10		
Wyoming 1fr		90,251	6,912.30	1,663	232,073	10	140,159	
Wyoming 7		77,498	2,775.02		92,634	2	15,136	



**SPECIAL MILK PROGRAM****July 1, 1961 to June 30, 1962 (Con't.)**

	<b>Total <math>\frac{1}{2}</math> pts. Milk with lunch</b>	<b>Total <math>\frac{1}{2}</math> pts. Milk without lunch</b>	<b>Amt. of Claim</b>	<b>Milk Served Adults (<math>\frac{1}{2}</math> pts.)</b>	<b>Total Milk Purchased (<math>\frac{1}{2}</math> pts.)</b>	<b>Schools Serving Special Milk</b>	<b>Vending Machine</b>	<b><math>\frac{1}{2}</math> pts. @ 1¢</b>
Wyoming 8fr		192,702	5,781.06		192,702	6		
Wyoming 11	107,473	329,194	14,115.86	8,246	521,983	7		
<b>TOTAL</b>	<b>2,482,153</b>	<b>2,506,328</b>	<b>179,289.43</b>	<b>70,396</b>	<b>6,581,899</b>	<b>169</b>	<b>155,295</b>	<b>34,632</b>



## HOT LUNCH PROGRAM July 1, 1961 to June 30, 1962

	Rate per Lunch		No. of Schools Serving Hot Lunch	Days Served	Average Daily Participation	Total Adults Served	Total Served Free of Reduced Cost	Total Lunches Served to Children	Amount of Claim
	Children	Adults							
Algoma 1fr	.30	.35	7	164	654.2	6,045	8,982	104,697	\$5,604.10
Byron Center									
Caledonia	.30	.35	2	163		3,887	1,121	40,982	2,197.03
Cascade 7fr									
Courtland 1			1	134	27.3	144	270	4,169	219.78
Courtland 3									
Courtland 5									
Gaines 3									
Grand Rapids City	.35	.40	16	175	2,555.5	44,517	43,085	436,040	23,374.53
Grand Rapids 3fr	.35	.35	2	170	169.1	2,822		28,937	1,542.11
Grand Rapids 15fr	.40	.40	3	169	574.2	4,899		98,335	5,264.27
Grattan 1fr	.30	.30	1	139	45.3	550	617	6,002	322.17
Grattan 5fr									
Lowell 1fr	.30	.30	1	168	358.6	5,309	3,991	51,920	2,781.11
Nelson 5fr	.30	.35	1	165	300.0	2,363	141	54,762	2,908.97
Nelson 6									
Nelson 7fr	.25	.25	1	99	20	108		1,635	87.58
Nelson 9fr	.35	.35	1	44	87.5	252	251	2,571	140.42
Oakfield 3fr									
Paris 6fr	.30	.35	5	158	869.2	12,247	11,988	137,794	7,335.90
Paris 12fr	.30	.35	4	169	610.9	8,691	7,353	102,844	5,604.91
Plainfield 3									
Plainfield 9fr	.25	.30	1	165	354.0	3,626	4,083	56,985	3,065.82
Plainfield 16fr	.27	.32	1	165	106.5	1,635	350	17,595	939.89
Solon 4									
Solon 6fr									
Solon 8									
Sparta 2fr	.30	.40	1	163	195.8	2,445	1,630	35,440	1,901.74
Spencer 1fr			1	157	35	297	220	3,921	211.47
Spencer 2									
Tyrone 4fr	.35	.40	1	164	195.3	2,433	1,477	31,901	1,700.47
Tyrone 8fr			1	149	55	552	300	8,166	439.19
Walker 11									
Walker 16fr			3	165	65.1	2,821	235	31,329	1,661.48
Wyoming 1									
Wyoming 7									
Wyoming 8fr									
Wyoming 11			2	165	469.9	10,416	1,079	77,070	4,114.19
TOTAL			56		7,748.4	116,059	87,173	1,333,093	71,417.13







CHILDREN RECEIVING SPECIAL EDUCATION & SERVICES  
IN KENT COUNTY -- 1961-62

[illegible]



June 1962

CHILDREN RECEIVING SPECIAL EDUCATION & SERVICES  
IN KENT COUNTY -- 1961-62

DISTRICT	Psychological Services	Speech Therapy	Visiting Teachers	Teacher-Counselor	Vision	Orthopedic	Hearing	Multiple Health	Grand Rapids	Vision or	Burton	Orthopedic	Oral Eastern	Sigsbee	Homebound	Mentally Handicapped					Type "A" Senior-Occup.	Type "A" Junior	Type "A" Upper	Type "C" Lower	TOTALS	
																									1962	1958
LOWELL (131) 1fr Lowell			33	48	26		3		2	1			1	3	2		5	6	1	131					33	11
6 Mapes ( 0)																				0					0	0
NELSON (138) 2 Punches			1		1		1							1						4					4	0
3fr East Nelson				2																2					2	5
4fr White Dove			1	3	1															5					5	12
5fr Cedar Springs			15	37	15				1				1	1	4		10		1	85					85	44
6 Nelson Center			1		1															2					2	0
7fr Huggard			5												2					7					7	0
9fr Sand Lake <sup>2</sup>			8	20	1	1			1						2					33 <sup>2</sup>					33 <sup>2</sup>	17 <sup>2</sup>
OAKFIELD ( 3) 3fr Horton			1		1					1										3					3	1



CHILDREN RECEIVING SPECIAL EDUCATION & SERVICES  
IN KENT COUNTY -- 1961-62

[illegible]



CHILDREN RECEIVING SPECIAL EDUCATION & SERVICES  
IN KENT COUNTY -- 1961-62

DISTRICT	Psychological Services	Speech Therapy	Visiting Teachers	Teacher-Counselor			Grand Rapids			Mentally Handicapped			Type "A"					TOTALS		
				Vision	Orthopedic	Hearing	Multiple Health	Vision or	Orthonetic	Oral Eastern	Sigsbee	Homebound	Type "C"	Lower EL	Upper EL	Junior Type "A"	Senior Type "A"	Senior-Occup.	1962	1950
SPARTA (194) 2fr Sparta Area			29	83	45			3		2			4	10	10	7		1	194	79
SPENCER ( 2) 1fr Griswold 2 Victory														1		1			2	0
																			0	2
TYRONE (106) 4fr Kent City			8	38	18	1	2		1				1	1	7	2	4	1	84	53
8fr Casnovia			5	14	1				1						1				22	11
VERGENNES ( 4) 1 Alton																			0	0
4fr Moseley																			0	0
5 Water					1														1	0
7 Bennett				2	1														3	0



June 1962

**CHILDREN RECEIVING SPECIAL EDUCATION & SERVICES  
IN KENT COUNTY -- 1961-62**

DISTRICT	Psychological Services	Speech Therapy	Visiting Teachers	Teacher-Counselor		Grand Rapids			Mentally Handicapped							TOTALS		
				Vision	Orthopedic	Hearing	Multiple Health	Vision or	Orthopedic	Oral Eastern	Sigsbee	Homebound	Type "C"	Lower	Upper	Junior	Senior	Type "A"
WALKER (195)																		
11 Fairview				17	8				1		1			2	2		31	21
16fr Kenowa Hills	39	65	38	1		1	4		2	1	4	6	1	1	1		164	21 <sup>1</sup>
WYOMING (881)																		
1fr Grandville	51	119	20	1		4	1	1	10	2	2	5	2	9	15	2	244	71 <sup>1</sup>
2fr***Newhall	33	104						2	2	4	3	10	6	1		4	169	54
4*** Wyoming Park	8	40	1	1		1		2	2	1	6	4			6	1	73	7
7 Godfrey-Lee	14	51		1				1	5	1	3	3		3	5		97	11
8fr Kelloggsville	25	89	19		2	1	1	2	4	2	6	7	4	6	10	2	180	66
9*** Rogers	13	84		1		1	1	2		1	3	4	2	5		1	118	46
TOTAL SERVED (County)	587	1694	146	10	12	19	25	16	53	29	70	139	59	96	86	28	3582	1216
											1**			11**	1**			
* Combined lower & upper "A" rooms																		
** County children served in Grand Rapids Schools																		
*** Consolidation: Wyoming 2 - 4 - 9 to Wyoming 11 (Jan. 16, 1962)																		
1 Combined totals of schools annexed or consolidated to new districts																		
2 Sand Lake to Montcalm County																		



U. S. DEPARTMENT OF COMMERCE  
BUREAU OF THE CENSUS

WASHINGTON, D. C. 20540

669 Federal Building  
Detroit 26, Michigan

January 31, 1963

IN REPLY REFER TO:

Mr. Roger Anderson, Attorney  
1107 Michigan National Bank Building  
Grand Rapids 2, Michigan

Dear Mr. Anderson:


This is to certify that Report PC (1) 24A, U.S. Census of Population, Number of Inhabitants, lists the following population figures for Kent County, Michigan and its Minor Civil Divisions. The figures reflect population as of April 1, 1960.

KENT COUNTY 363,187

Ada twp	2,887	Nelson twp	2,455
Algoma twp	2,485	*Cedar Springs village	935
Alpine twp	4,764	*Sand Lake village	394
Bowne twp	1,181	Oakfield twp	1,471
Byron twp	6,036	Paris twp	19,235
Caledonia twp	2,752	Plainfield twp	11,680
*Caledonia village	739	Rockford city	2,074
Cannon twp	2,525	Solon twp	2,422
Cascade twp	3,333	*Cedar Springs village	833
Courtland twp	1,555	Sparta twp	5,247
East Grand Rapids city	10,924	*Sparta village	2,749
Gaines twp	6,120	Spencer twp	1,014
Grand Rapids city	177,313	Tyrone twp	2,383
Grand Rapids twp	16,738	*Carnovia village	184
Grandville city	7,975	*Kent City village	617
Grattan twp	1,346	Vergennes twp	945
Lowell city	2,545	Walker twp	16,381
Lowell twp	1,567	Wyoming city	45,829

If this office can be of further help to you, please do not hesitate to write.

Sincerely yours,

  
Robert A. Fitts  
Regional Director

HAY:mdo

\*Included in Township totals.





TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, James M. Hare, Secretary of State of the State of Michigan  
and Custodian of the Great Seal thereof, Do Hereby Certify that

the attached is a true photographic copy of certification from the U.S. Department  
of Commerce Bureau of the Census, dated October 30, 1962, relative to the population  
of the area annexed to Grand Rapids from Paris Township, effective December 31, 1962,  
and the total population of the City of Grand Rapids as of December 31, 1962, which was  
filed in this office under date of November 2, 1962.

[fol. 75]

In Testimony Whereof, I have hereunto  
set my hand and affixed the Great Seal of the  
State at the Capitol, in the City of Lansing, this

31st day of January


A.D. 1963

Secretary of State.

U.S. DEPARTMENT OF COMMERCE  
BUREAU OF THE CENSUS  
WASHINGTON

October 30, 1962

I hereby certify: That according to the official count of the returns of the EIGHTEENTH CENSUS OF THE UNITED STATES, on file in the Bureau of the Census, the population of the city of Grand Rapids, County of Kent, State of Michigan; as of April 1, 1960, was 177,313; that on the same date the population of the areas annexed to the city between April 1, 1960 and June 30, 1962 was 24,284; that the population of the areas annexed from Paris township to be effective December 1, 1962 was 180; and that the population of the area comprising the city of Grand Rapids and the areas annexed to the city between April 1, 1960 and June 30, 1962 and the areas annexed from Paris township, to be effective December 31, 1962, was 201,777, as of April 1, 1960.

  
Richard M. Scammon, Director, Bureau of the Census.



SCHOOL CENSUS AS OF MAY 31, 1962

(Extract From Annual Report Of The Kent County Board  
Of Education - June 30, 1962 - page 17)

<u>District</u>	<u>Under 5</u>	<u>5 to 19</u>	<u>Total</u>
Ada 6fr	9	28	37
Alpine 10	37	68	105
Cascade 7fr	27	60	87
Courtland 1	47	106	153
Courtland 3	29	73	102
Courtland 5	29	62	91
Courtland 6fr	19	44	63
Gaines 3	17	40	57
Grattan 5fr	50	143	193
Grattan 6fr	29	51	80
Lowell 6	25	32	57
Nelson 2	14	52	66
Nelson 3fr	18	71	89
Nelson 4fr	20	85	105
Nelson 6	16	37	53
Nelson 7fr	11	47	58
Oakfield 3fr	33	111	144
Paris 8	43	138	181
Plainfield 3	24	52	76
Solon 4	60	132	192
Solon 6fr	20	55	75
Solon 8	15	43	58
Spencer 1fr	18	60	78
Spencer 2	9	35	44
Vergennes 1	14	16	30
Vergennes 4fr	15	68	83
Vergennes 5	20	49	69
Vergennes 7	29	62	91
Vergennes 11	10	34	44
Walker 1	8	21	29
Total	715	1,875	2,590
Total Census for Kent County			154,665

Thirty school districts with a census of 2,590 have 56% of the voting strength and have 1.67% of the total school census.

Grand Rapids with a census of 76,302 has 1/53 of the voting strength and has 49.33% of the total school census.

[fol. 78]

## UNITED STATES OF AMERICA

IN THE DISTRICT COURT OF THE UNITED STATES

FOR THE WESTERN DISTRICT OF MICHIGAN

SOUTHERN DIVISION

Civil Action No. 4480

---

JAMES SAILORS, et al., Plaintiffs,WILLIAM A. DUTHLER and ANNA M. DUTHLER; HARVEY A.  
DUTHLER and EDNA M. DUTHLER, and THE CITY OF  
GRAND RAPIDS, a municipal corporation, Intervening  
Plaintiffs,

v.

THE BOARD OF EDUCATION OF THE COUNTY OF KENT, et al.,  
Defendants,ATTORNEY GENERAL OF THE STATE OF MICHIGAN,  
Intervening Defendant.

---

COMPLAINT OF INTERVENING PLAINTIFFS—Filed  
June 19, 1964

Now come the intervening plaintiffs, William A. Duthler and Anna M. Duthler, Harvey A. Duthler and Edna M. Duthler, pursuant to authorization granted by the order of this court entered June 4, 1964 and allege as follows:

1. This action arises under the 14th Amendment to the United States Constitution, and Sections 1981 and 1983 of Title 42 of the United States Code, as hereinafter more fully appears. Jurisdiction is conferred on this court by

[File endorsement omitted]



28 USC Sections 1321 and 1343, and the amount in controversy exceeds Ten thousand dollars (\$10,000.00).

[fol. 79] 2. Prior to December 31, 1962 the intervening plaintiffs, William A. Duthler and Anna M. Duthler, husband and wife, and Harvey A. Duthler and Edna M. Duthler, husband and wife, were resident-electors and freeholders of the Township of Paris, and school electors of the Kentwood Public Schools, a school district, but were annexed on that date to the City of Grand Rapids pursuant to resolutions of the Board of Supervisors of the County of Kent (see certified copies of resolutions of the Kent County Board of Supervisors dated December 6, 1961 and attached to the original complaint in this cause as Exhibits A and B) and a favorable vote of the electors of the areas annexed (see certified copy of report of County Canvassers attached to the original complaint in this cause as Exhibit C) held on February 19, 1962.

3. In annexing to the City of Grand Rapids said intervening plaintiffs were thereby annexed to the School District of the City of Grand Rapids, a school district of the second class, and said intervening plaintiffs became at that time electors of the City of Grand Rapids and school electors of the School District of the City of Grand Rapids and continued to be same until "de-annexed" by action of the defendant The Board of Education of the County of Kent.

4. The defendant Kentwood Public Schools, a school district, did on the 1st day of January, 1963 adopt a resolution requesting The Board of Education of the County of Kent to summarily and without voter approval detach the areas so annexed as set forth in paragraph 2 and in Exhibit C including the areas in which the intervening plaintiffs herein reside. (A copy of said resolution is attached to the original complaint in this cause as Exhibit D.)

[fol. 80] 5. Thereafter and commencing on January 29, 1963 the individual defendants acting in their capacity as

The Board of Education of the County of Kent accepted such resolution of the defendant, Kentwood Public Schools, a school district, and in pursuance of Act 269 of the Public Acts of 1955 as amended commenced to receive information in support thereof and announced their intention to render a decision thereon on February 25, 1963 which would violate the intervening plaintiffs' civil rights.

6. That Chapter 8 part I of the School Code of 1955 as amended (specifically Section 15.3294 of Michigan Statutes Annotated; Section 340.294 of the Compiled Laws of 1948 and recent amendments thereto, namely Section 294 a of the Public Acts of 1962 which took effect March 28, 1963 being Section 294 a of the School Code Compiled Laws '48 Section 340.294 a; MSA Section 15.3294 [1]) and Chapter 5 Part II of the School Code as most recently amended being Section 15.3291 of the Michigan Statutes Annotated and Section 340.291 of the Compiled Laws of 1948 and the amendments thereto effective March 28, 1963 being known as Section 291 a and MSA Section 15.3291 [1] and known as Compiled Laws '48 Section 340.291 a, are violative of the provisions of the 14th Amendment of the Constitution of the United States and the provisions of Section 1981 and 1983 of Title 42 of the United States Code.

7. That Chapter 8 Part I of the School Code of 1955 (Michigan Statutes Annotated Section 15.3294 and including the latest amendment Section 15.3294 [1] also known as Section 340.294 and Section 340.294 a of the Compiled Laws of 1948) providing for the election of members of the County Board of Education is in direct violation of the Constitution of the United States and Title 42, Sec-[fol. 81] tions 1981 and 1983 of the United States Code; that said Act provides for a unit system for the election of county school board members which invidiously discriminates against the intervening plaintiffs and others similarly situated, said intervening plaintiffs being school electors of the plaintiff school district at the time said "de-



annexation proceedings" were begun; that the unit vote which plaintiff school district has at the annual meeting does not bear a reasonable relation to its population; that as a result the school district and the intervening plaintiffs herein who are school electors thereof and all others similarly situated, are denied the equal protection of the laws; that said invidious discrimination consists of the following:

(a) That under the provisions of said Act (MSA Section 15.3294 and Section 15.3294 [1]) each school district in the County of Kent including primary and fourth class has 1 vote irrespective of its size, population, valuation, school census or membership; that in the County of Kent there were on July 1, 1961 56 school districts, each having 1 vote (see Section H page 4 of the last annual report of the Kent County Board of Education dated June 30, 1962 and attached to the original complaint herein as Exhibit E); that on information and belief at the present time there are 41 school districts within the County of Kent; that the total population of the County of Kent as of April 1, 1960 is 363,187 and the population of the plaintiff school district was on January 1, 1963 201,777; that the plaintiff school district has 55% of the population of the County of Kent but has only 1 vote in the election of county school board members who pass upon problems and finances vital to the existence of [fol. 82] plaintiff school district and the intervening plaintiffs who were prior to said "de-annexation proceedings" residents of said district. (See certified copy of the official census attached to the original complaint in this cause as Exhibit F.)

(b) That under the provisions of said Act, Michigan Statutes Annotated 15.3294 and 15.3294 [1] the vote of each primary, fourth class, third class and second class school district is given equal weight in the elec-

tion and selection of members of the Kent County Board of Education notwithstanding a great disparity in the populations of the several school districts more particularly as follows:

(1) That Ashley School District No. 6 fractional, Grattan Township, has a population of 145 people and 1 unit vote; that Boyd School District No. 10, Alpine Township, has a population of 191 people and thereby has 1 unit vote; that Dodge School District No. 3, Gaines Township, has a population of 117 people entitling it to 1 unit vote; that Hoag School District No. 8, Solon Township, has a population of 111 people entitling it to 1 unit vote; that Nelson Center School District No. 6, Nelson Township, has a population of 99 people thereby entitling it to 1 unit vote while the School District of the City of Grand Rapids has a population of 201,777 and has but 1 unit vote.

(c) That plaintiff school district of which the intervening plaintiffs were freeholders and taxpayers as of [fol. 83] January 1, 1963 has a property valuation for the fiscal year July 1, 1960 to June 30, 1961 of \$605,528,136.00 out of a total county-wide property valuation of \$1,147,515,379.00 (see pages 14 and 15 of Exhibit E attached to the original complaint in this cause) or 52.77% of the total valuation of said county. But said school district had but 1 unit vote out of 56 districts (July 31, 1961) in electing county school board members who are vested with authority under the provisions of Chapter 5 Part II of the School Code of 1955 MSA Sections 15.3461 and 15.3465; Sections 340.461 to 340.465 of the Compiled Laws of 1948 to emasculate said school district; valuation percentages of plaintiff school district as compared to total valuation of the county has remained approximately the same as for the fiscal year of July 1, 1960 to June 30, 1961.



(d) That on May 31, 1962 the total school census for the County of Kent was 154,665 of which the plaintiff school district of which the intervening plaintiffs were residents prior to the commencement of the "de-annexation proceedings" had 76,302 (see page 17 of Exhibit E attached to the original complaint in this cause) and as of that date the plaintiff school district had 49.3 of the total school census of the 52 school districts of the county in existence on that date, but under the provisions of Chapter 8 Part I, Compiled Laws 340.291-340.294 MSA Section 15.3291-15.3294 it had but 1/52 (viz. 1.92%) of the voting strength as of May 31, 1962. The new amendments to these provisions of the School Code continue and perpetuate the invidious discrimination.

[fol. 84] (e) That the plaintiff school district, of which the intervening plaintiffs were residents and parents of school age children at the time that "de-annexation proceedings" were begun has a myriad of problems unlike those of most of the primary and fourth class school districts (of which there were 49 as of September 29, 1961, see page 20 of Exhibit E attached to the original complaint in this cause); that their solution depends upon the understanding and sympathetic appreciation and knowledge of those who pass upon its fate, but that its representation on the Kent County Board of Education is determined by the unit votes of school districts having less than 200 students in their districts (see page 17 of Exhibit E attached to the original complaint in this cause).

(f) The voting strength of the intervening plaintiffs is in such contrast with that of the electors in districts having less than 200 students as to discriminate invidiously and dilute their right to express themselves at the ballot box (see Exhibit G an abstract from Exhibit E attached to the original complaint in this cause) and deprives them of an impartial tribunal in determining matters of great consequences.

8. That the transfer provisions of the School Code of 1955, Chapter 5 Part II (MSA Section 15.3461; Section 340.461 of Compiled Laws of 1948) are invalid, void and unconstitutional as an illegal, improper and arbitrary delegation of legislative power to a subdivision of the state because no standard, guideline or yardstick has been provided for it to follow; that said Board of Education of the [fol. 85] County of Kent through which the individual defendants render decisions, illegally constituted through and by the unit vote of a minority of population and valuation is invested with unlimited authority to transfer at will by whim and caprice valuable properties of the intervening plaintiffs to another school district as long as it does not detach more than 10% of the taxable valuation of the individual plaintiffs entire school district at one time.

9. That the transfer provisions of the School Code of 1955, Chapter 5 Part II (Section 15.3461 MSA) are invalid and void and unconstitutional and are in violation of the due process clause of the 14th Amendment because the state legislature does not possess the power to force residents and property into adjoining municipalities and school districts without preserving to the residents and electors thereof the right to the ballot; that said intervening plaintiffs joined plaintiff school district through voting franchise; the State of Michigan through its legislature does not have the unrestricted power to delegate to illegally constituted tribunals the right to reorganize, destroy or contract political and educational districts through the exercise of their caprice.

10. That Chapter 8 Part I of the School Code of 1955 (MSA Section 15.3294 and Section 15.3294 [1]; Section 340.294 and 340.294 a of the Compiled Laws of 1948) and more particularly the transfer provisions of said School Code (Chapter 5 Part II, Section 15.3461 of Michigan Statutes Annotated; Section 340.461 of Compiled Laws of 1948) contain invalid delegations of legislative power, in-



vesting administrative officers with arbitrary power, in contravention of the provisions of due process and equal protection clauses of the Constitution of the United States as contained in the 14th Amendment thereof.

[fol. 86] 11. The transfer provisions of the School Code of 1955 Chapter 5 Part II are invalid, void and unconstitutional and in violation of the due process clause of the Federal Constitution in that no reasonable notice to interested parties is required or provided for, and no provision is made for an opportunity for interested parties to be heard or offer evidence; no provision is made for cross-examination of adverse witnesses; no provision is made for witnesses to be sworn or exhibits to be properly marked and identified; no provision of any kind is made for reasonable rules of procedure to guarantee interested parties a fair hearing; all of which denies the intervening plaintiffs of their rights to procedural due process of law.

12. Intervening plaintiffs are without an adequate remedy of law.

13. On Monday, February 25, 1963 the individual defendants met in special session as the defendant The Board of Education of the County of Kent and passed a resolution to transfer the Breton Avenue area, the Fuller-44th Street area, the Kendall area and the Alger area from plaintiff school district to the defendant Kentwood Public Schools, and a certified copy of said resolution is attached to the original complaint as amended and marked Exhibit H. The action taken by the defendant The Board of Education of the County of Kent on February 25, 1963 was arbitrary, capricious, invalid and in violation of the due process clause of the Federal Constitution because said defendant board failed and refused to state the reasons, make findings of fact, give explanation or in any way set forth any basis for the action taken as shown from said Exhibit H.

[fol. 87] 14. On Wednesday, June 5, 1963, the State Board of Education entered an order affirming the action

of The Board of Education of the County of Kent except for the property owned and occupied by the individual plaintiffs herein and 2 other property owners. (See Exhibit I attached to the amended complaint.) This action reverses the free choice exercised by intervening plaintiffs at the ballot box and returns them against their will to defendant Kentwood School District. This action forces intervening plaintiffs to pay an increased amount of money in school taxes and will result in higher school taxes for all other property owners within "de-annexed" areas. With regard to intervening plaintiffs, William A. Duthler and wife, the result of the transfer is to fractionalize their home. Their home and frontage on Kalamazoo Avenue is sent back to Kentwood, the remainder of their parcel to the east remains in Grand Rapids. The action taken by the State Board of Education on June 5, 1963 was arbitrary, capricious, invalid and in violation of the due process clause of the Federal Constitution because said Board failed and refused to state reasons, make findings of fact, give explanation or in any way set forth any basis for the action taken as shown by Exhibit I.

**WHEREFORE** intervening plaintiffs pray for the following relief:

I. That the court enter a declaratory judgment that the transfer provisions of the School Code of 1955, and namely Chapter 5 Part II of said Act are unconstitutional, invalid, void and a nullity, and that an injunction issue accordingly enjoining the individual defendants from exercising any jurisdiction or authority to purport to act by virtue of said invalid and unconstitutional provisions.

[fol. 88] II. That the court enter a declaratory judgment that the provisions of Chapter 8 Part I of the School Code of 1955 and especially Section 294 thereof, and the new amendment known as Section 294 a thereof are invalid and unconstitutional and declare that the defendant the Board of Education of the County of Kent of which the indi-



vidual defendants are members is unconstitutionally constituted and to enter an injunction as follows:

(a) Enjoining the Board of Education of the County of Kent and the individual defendants who are members thereof from exercising any jurisdiction or authority whatever until the further order of this court.

(b) Enjoining any subsequent election by virtue of said void and invalid constitutional provisions.

(c) Enter a mandatory injunction requiring that all elections hereafter for members of the Board of Education of the County of Kent or under its new name, The Board of Education of the Kent Intermediate School District be held and conducted by at large elections in the County of Kent.

(d) Enter an injunction declaring that all offices as member of the Kent County Board of Education or under its new name, Kent Intermediate School District are hereby vacant and requiring new at large elections to fill such vacancies.

III. That the court enter a declaratory judgment that the transfer ordered June 5, 1963 by the State Board of Education is void and a complete nullity and that the City of Grand Rapids one of the intervening plaintiffs herein [fol. 89] be directed to collect school taxes on the property in the transferred area for and on behalf of plaintiff school district and when collected to remit same to plaintiff school district.

IV. That the court enter a declaratory judgment that the transfer ordered by the defendant The Board of Education of the County of Kent on February 25, 1963 transferring the Breton Avenue area, the Fuller-44th Street area, the Kendall area and the Alger area is void and a complete nullity and of no force and effect whatsoever.

V. That the intervening plaintiffs be granted such other further and additional relief to which they may be entitled.

Dated: June 18th, 1964.

Dutchess, Mika, Miles, Meyers, Merdzinski & Snow,  
By Wendell A. Miles, Attorneys for Intervening  
plaintiffs, Business address: 311 Waters Building,  
Grand Rapids, Michigan 49502.

McDonald & Anderson, By Roger D. Anderson, Of  
Counsel for Intervening plaintiffs, Business ad-  
dress: 1107 Mich. Nat'l Bank Bldg., Grand Rapids,  
Michigan 49502.

[fol. 90]

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
• SOUTHERN DIVISION

[Title omitted]

ANSWER OF DEFENDANT KENTWOOD PUBLIC SCHOOLS—  
Filed August 11, 1964

In answer to the complaint as amended, defendant Kent-  
wood Public Schools says:

1. All of the allegations of paragraph 1 of the complaint, which are the allegations of jurisdiction, are denied on the ground that the matters constituting the claims for relief set forth in the complaint as amended do not raise a Federal question.

2. In answer to paragraph 2 of the complaint, this defendant admits, on information and belief, that prior to De-

[File endorsement omitted]



cember 31, 1962, plaintiffs James Sailors, Loretta Sailors, Seymour Koning, Mildred Koning, Grazzi Mullay and Rosalie Mullay were resident-electors and freeholders of the Township of Paris and school electors of this defendant, Kentwood Public Schools. This defendant also admits that on December 31, 1962 the territory upon which said plaintiffs resided, with other territory described in Exhibits A, B, C and D, attached to the complaint, was detached from Paris Township, Kent County, Michigan and annexed to the City of Grand Rapids, Michigan, pursuant to the provisions of the Michigan home rule act, being Act No. 279 of the Public Acts of Michigan of 1909, as amended; 1948 Compiled Laws of Michigan, § 117.1 et seq.; Michigan Statutes Annotated, § 5.2071 et seq., particularly §§ 6, 7, 8 and 9 thereof, as amended. This defendant denies that said plaintiffs individually as resident-electors and freeholders of the Township of Paris or as school-electors of this defendant "were annexed on that date to the City of Grand Rapids."

[fol. 91] 3. In answer to paragraph 3 of the complaint, this defendant admits that on December 31, 1962 the territory described in Exhibits A, B, C and D, attached to the complaint, by such annexation to the City of Grand Rapids, under said home rule act, became a part of the School District of Grand Rapids, by virtue of § 143, chapter 5, part 1 of the school code of 1955, as amended, being § 340.143 of the 1948 Compiled Laws of Michigan and MSA, § 15.3143, which is as follows:

"Whenever territory shall be annexed to a city comprising a school district of the second class, such territory, by such annexation, shall become and be part of the school district of that city."

This defendant further admits that the City of Grand Rapids comprised a school district of the second class, namely, The School District of the City of Grand Rapids,

the corporate name of which is "The Board of Education of the City of Grand Rapids", plaintiff herein, under the provisions of § 154, chapter 5, part 1 of the school code of 1955.

This defendant denies that "said individual plaintiffs were thereby annexed to the School District of the City of Grand Rapids", but admits that by reason of the operation of said § 143, chapter 5, part 1 of the school code of 1955, the individual plaintiffs became electors of the City of Grand Rapids and school electors of The School District of the City of Grand Rapids.

4. In answer to paragraph 4 of the complaint, this defendant admits that on January 1, 1963, its board of education at a lawful meeting thereof, unanimously adopted the resolution, a copy of which is attached to the complaint as Exhibit D, reference to which is prayed, wherein it requested the county board of education of the County of Kent, State of Michigan, a defendant herein, to detach the territory described in Exhibits A, B and C attached to the complaint, commonly known as the Breton Avenue, Kendall and Fuller-44th Street areas, from plaintiff The Board of Education of the City of Grand Rapids, a second class school district, also known as The School District of the City of Grand Rapids, and attach it to this defendant school district, pursuant to the provisions of chapter 5, part 2 of the school code of 1955, as amended, which is the chapter of said school code authorizing the transfer of territory between school districts, being § 340.461 of the Compiled Laws of 1948, et seq., as amended and MSA § 15.3461 et seq., as amended.

[fol. 92] Also, this defendant admits that on January 1, 1963 its board of education at a lawful meeting thereof unanimously adopted a resolution requesting the county board of education of the County of Kent, State of Michigan, a defendant herein, to detach certain other described territory, known as the Alger Street area, from The Board of Education of the City of Grand Rapids, and attach it to



this defendant school district (see Exhibit D attached to the complaint), pursuant to the provisions of said chapter 5, part 2 of the school code of 1955, as amended; such territory in said Paris Township located and being within the boundaries of this defendant school district, having been detached from said Paris Township and annexed to the City of Grand Rapids by the affirmative majority vote of the legislative bodies of said township and city, under the provisions of §9 of said home rule act, as amended.

In further answer to paragraph 4 of the complaint, this defendant says that its board of education by said resolutions adopted January 1, 1963 invoked the plenary power of defendant, the Board of Education of the County of Kent, to carry out one of the delegated functions granted to it by the legislature of the State of Michigan, under the Constitution of the State of Michigan, namely, the transfer of territory between school districts, pursuant to chapter 5, part 2 of the school code of 1955.

Further, this defendant says that the control of the Michigan public school system is a State matter delegated and lodged in the legislature of the State of Michigan by the Constitution of the State of Michigan and that the policy of the state has been to retain control of its school system, to be administered throughout the state under state laws by local state agencies organized with plenary powers to carry out the delegated functions given it by the legislature. This defendant says further that the authority of the legislature of the State of Michigan to alter boundaries of school districts may be delegated without the consent of the inhabitants of the territory annexed or the municipality to which it is annexed, or even against its express protest. This defendant says further that neither the general electors in the City of Grand Rapids or the school electors therein nor the electors of said Paris Township or the school electors of this defendant school district had a right to vote at any time on the transfer of territory requested by this defendant and that the legislature of the State of [fol. 93] Michigan is the only body which could have given

such right, which the legislature had not done. This defendant further says that this is the constitutional and statutory law of the State of Michigan as enunciated by its Supreme Court and court of last resort in *Lansing District v. State Board of Education*, 367 Michigan 591, decided September 10, 1962.

5. In answer to paragraph 5 of the complaint, this defendant admits that after due notice was given as provided by § 462 of the school code of 1955, defendant the Board of Education of the County of Kent held meetings January 29, 30, 31, February 5 and 6, 1963 at which sworn testimony was taken for and against such transfers of territory requested by this defendant, the transcript of which was introduced, received in evidence and marked Exhibit 1 at the hearing held before this court March 1, 1963, reference to which is prayed. This defendant further admits that at the meeting held by defendant Board of Education of the County of Kent February 6, 1963, the president announced the intention of said board to render a decision on February 25, 1963.

This defendant specifically denies that any decision by defendant the Board of Education of the County of Kent could or would violate any civil rights of the individual plaintiffs, because they had none under the Constitution and laws of the State of Michigan or under the Constitution or laws of the United States.

6. All of the allegations of paragraph 6 of the complaint are denied.

Specifically, this defendant denies that either § 294 of the school code of 1955, being § 340.294 of the Compiled Laws of 1948 and MSA § 15.3294, providing for the election of members of county boards of education in the State of Michigan, or chapter 5, part 2 of the school code of 1955, as amended, being § 340.291 of the Compiled Laws of 1948 and § 15.3291 MSA, wherein the legislature of the State of Michigan granted power to county boards of education to transfer territory between school districts, in any manner



whatever violate the privileges or immunities clause, the due process clause or the equal protection clause of § 1 of the Fourteenth Amendment to the Constitution of the United States. This defendant further says that sections 2, 3, 4 and 5 of the Fourteenth Amendment to the Constitution of the United States are irrelevant.

[fol. 94] This defendant further says that plaintiff, The Board of Education of the City of Grand Rapids, as a municipal corporation created by the State of Michigan for the better ordering of government, has no privileges or immunities under the Constitution of the United States or the Constitution of the State of Michigan which it may invoke in opposition to the will of its creator.

This defendant further says that § 1981 Title 42 of the United States Code is not violated, because there is no allegation in the complaint that either the individual plaintiffs or The Board of Education of the City of Grand Rapids have been deprived of the rights and benefits "enjoyed by white citizens".

This defendant further says that § 1983 Title 42 of the United States Code is not violated, because the individual plaintiffs have not been deprived "of any rights, privileges, or immunities secured by the Constitution and laws" of the United States and plaintiff, The Board of Education of the City of Grand Rapids, under the allegations of the complaint as amended, has no rights, privileges, or immunities secured by the Constitution and laws of the United States.

7. In answer to paragraph 7 and paragraph 7 (a) through (g) of the complaint, this defendant admits the statistical allegations contained in paragraph 7 (a), 7 (b), 7 (c), 7 (d) and in Exhibits E, F and G, attached to the complaint, but denies all other allegations therein contained on the grounds averred in paragraphs 4, 5 and 6 hereof.

In further answer to paragraph 7 and paragraph 7 (a) through (g), this defendant says that said chapter 8, part 1 of the school code of 1955, as amended, in creating county school districts, constitutes a delegation of executive power by the legislature of the State of Michigan, in the exercise

of its plenary power of control of the public school system of Michigan, lodged in the legislature by the Constitution of Michigan. The grant of excessive power to county boards of education is contained in § 297, chapter 8, part 1 of the school code of 1955 as amended, being § 340.297 of the Compiled Laws of 1948 and MSA § 15.3297, reference to which is prayed.

This defendant further says that there is no relationship whatever between the apportionment of a state legislature, under the prevailing doctrine of "one man, one vote", and the exercise by the legislature of the State of Michigan of [fol. 95] the plenary power of control over the public schools of the State of Michigan, under the Constitution of the State of Michigan, in the method of selecting members of a county board of education to supervise and control county school districts under the provisions of § 292 and § 294 of the school code of 1955.

Further, this defendant denies that either chapter 8, part 1, of the school code of 1955 or § 294 of the school code of 1955 constitute a denial of the equal protection of the law under the Constitution of the United States and denies that said method of selecting members of county boards of education invidiously discriminates against the individual plaintiffs or any persons who are school electors of plaintiffs' school district.

This defendant further says that neither the individual plaintiffs nor the school electors of the School District of the City of Grand Rapids have an absolute right to vote for members of county boards of education under the Constitution and laws of the State of Michigan and that having no such absolute right to vote are not denied the equal protection of the laws contrary to the provisions of the Fourteenth Amendment to the Constitution of the United States.

8. All of the allegations of paragraph 8 of the complaint are denied, on the grounds previously averred in this answer. This defendant further says that the delegation of power to county boards of education to transfer terri-

tory between school districts without the right to vote thereon was a lawful delegation by the Michigan legislature under the Constitution of Michigan and no Federal question is raised by such delegation (*Lansing District v. State Board of Education*, 367 Mich. 591 and *Hunter v. Pittsburgh*, 207 US 161).

9. All of the allegations of paragraph 9 of the complaint are denied. This defendant says further that in respect to the transfer of territory between school districts, the State of Michigan is supreme, and the Michigan legislature, conforming its actions to the Constitution of the State of Michigan, may do as it will, unrestrained by any provisions of the Constitution of the United States (*Hunter v. Pittsburgh*, 207 US 161 and *Attorney General v. Lowrey*, 131 Mich. 639, affirmed 199 US 233). This defendant further says that neither the individual plaintiffs nor the plaintiff school district have any property right whatever in the territory or property, real or personal, of a school district in Michigan.

10. All of the allegations of paragraph 10 of the complaint are denied on the grounds previously averred in this answer.

11. All of the allegations of paragraph 11 of the complaint are denied on the grounds previously averred in this answer and also on the ground that the procedure on the transfers alleged in the complaint was in conformity with the provisions of chapter 5, part 2 of the school code of 1955, as amended. (See Exhibit 1 offered and received in evidence at the hearing before this Court March 1, 1963).

12. All of the allegations of paragraph 12 of the complaint are denied, except the allegation that defendant the Board of Education of the County of Kent was expected to render a decision on said transfers, on the 25th day of February, 1963.

Wherefore, This defendant says that plaintiffs are without remedy in this Court and prays for judgment in its



favor and against the defendants dismissing the action on the ground that the Court lacks jurisdiction over the subject matter and because the complaint fails to state a claim against defendants upon which relief can be granted.

13. The allegations of paragraph 13 of the complaint, added by amendment filed February 27, 1963, are admitted. This defendant further says that on February 15, 1963 the Honorable W. Wallace Kent, United States District Judge, entered an order restraining defendant The Board of Education of the County of Kent, the individual members of said board, their agents, servants, employees and attorneys, from assuming jurisdiction and authority of the question of detaching the areas referred to in Exhibit D (attached to the complaint) from the School District of the City of Grand Rapids and attaching the same to defendant Kentwood Public Schools; from conducting any further hearings in connection with the same and from rendering a decision or making any order in connection with the transfer petition filed by this defendant and pending before defendant the Board of Education of the County of Kent. On motion of this defendant, said Honorable W. Wallace Kent revoked and set aside said temporary restraining [fol. 97] order February 25, 1963 at 3:45 o'clock p.m. and thereafter the resolution of transfer, Exhibit H attached to paragraph 13 of the amendment to the complaint, was adopted.

This defendant denies that plaintiffs are entitled to the relief prayed for in paragraph V of plaintiffs' prayer for relief added by said amendment.

14. In answer to paragraph 14 of the complaint, added by amendment filed August 22, 1963, this defendant admits that on Wednesday, June 5, 1963, the State Board of Education entered the order, Exhibit I attached thereto, and that the valuation of the territory transferred was in excess of \$4,000,000.00. This defendant further admits that Alexander Hamilton school, a modern, well maintained elementary school with 14 classrooms, is located on such

territory and is a valuable asset to this defendant school district. The other allegations are denied as being irrelevant and immaterial.

This defendant denies that plaintiffs are entitled to the relief prayed for in paragraphs VI and VII added to the complaint by said amendment filed August 22, 1963.

15. In answer to paragraph 14 of the complaint, added by amendment filed March 9, 1964, this defendant denies the allegations thereof and repeats that neither the individual plaintiffs nor the plaintiff board of education have any property right whatever in the territory transferred by action taken by defendant The Board of Education of the County of Kent, February 25, 1963, and that such action was in conformity with the procedural requirements of chapter 5, part 2 of the school code of 1955, as amended.

16. In answer to paragraph 15 of the complaint, added by amendment filed March 9, 1964, this defendant denies the allegations contained therein on the same ground averred in paragraph 15 thereof and on the ground that the State Board of Education not being a party to this action, this Court cannot render judgment against it.

Wherefore, This defendant prays that:

1. The action be dismissed on the ground that the Court lacks jurisdiction over the subject matter.
2. The action be dismissed because the complaint, as amended, fails to state a claim against defendants upon which relief can be granted.
3. The action be dismissed on the ground that the individual plaintiffs have neither standing nor claim, because the territory upon which they reside is now a part of the territory of plaintiff's school district under said order of The State Board of Education entered June 5, 1963 (Exhibit I attached to the amended complaint).
4. The action be dismissed on the ground that plaintiff's school district, as a municipal corporation created by the

State of Michigan for the better ordering of government, has no privileges or immunities under the Constitution of the United States which it may invoke in opposition to the will of its creator.

5. *In the alternative*, if the Court holds that defendant the Board of Education of the County of Kent is mal-apportioned as alleged, which is denied, then this Court enter a final order denying plaintiffs any injunctive relief whatever, interlocutory, permanent or mandatory, touching on the legality or validity of said action taken February 25, 1963 by defendant the Board of Education of the County of Kent and said action taken June 5, 1963 by the State Board of Education, on the grounds that:

(a) The action taken February 25, 1963 by defendant the Board of Education of the County of Kent was taken by de facto officers and a de facto governmental body and is legal and valid in all respects.

(b) The action taken June 5, 1963 by the State Board of Education, which is not a party to this suit, was taken by a de jure body, constituted by § 6, article XI of the 1908 Constitution of the State of Michigan, the 4 members of which were elected at large by the people of the State of Michigan and its said action, taken June 5, 1963, was a duty prescribed by law under § 467 of the school code of 1955, as amended, being § 340.467 of the 1948 Compiled Laws of Michigan and MSA § 15.3467, and is legal and valid in all respects, appeal therefrom to the Supreme Court of Michigan not having been taken by plaintiffs within the time prescribed by law.

August 11, 1964.

Strawhecker and McCargar, Attorneys for Defendant, Kentwood Public Schools, Kent County, Michigan, By Paul O. Strawhecker, Of Counsel, 637 Michigan Trust Building, Grand Rapids, Michigan 49502, Telephone: 458-1485.



[fol. 99]

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION  
Civil Action No. 4480

[Title omitted]

ANSWER OF DEFENDANT KENTWOOD PUBLIC SCHOOLS TO THE  
COMPLAINT OF INTERVENING PLAINTIFFS WILLIAM A.  
DUTHLER, ANNA M. DUTHLER, HARVEY A. DUTHLER AND  
EDNA M. DUTHLER—Filed August 11, 1964

In answer to the complaint of intervening plaintiffs William A. Duthler, Anna M. Duthler, Harvey A. Duthler and Edna M. Duthler, filed September 5, 1963, defendant Kentwood Public Schools says:

1-11. In answer to paragraphs 1 to 11 inclusive of the complaint, this defendant incorporates by reference its answers to paragraphs 1 to 11 inclusive of the original complaint filed herein.

12. The allegation of paragraph 12 is denied.

13. The answer of this defendant to paragraph 13 of the complaint is hereby incorporated by reference as the answer to this paragraph.

14. In answer to paragraph 14, this defendant admits that on Wednesday, June 5, 1963, the State Board of Education entered the order Exhibit 1 attached to the original complaint, as amended August 22, 1963. All other allegations are denied for the reasons and on the grounds

[File endorsement omitted]

averred in this defendants' answers to the original complaint, as amended. This defendant further says that at the annexation elections held February 19, 1962, under the home rule act, the question submitted to the electors was:

"Shall territory in the Township of Paris, Kent County, Michigan popularly known as (Breton Avenue area, Kendall area and Fuller-44th Street area) be annexed to the City of Grand Rapids, Kent County, Michigan?"

[fol. 100] and that the intervening individual plaintiffs did not vote and had no right to vote on the question whether such territory should be detached from this defendant school district and attached to plaintiff school district, such detachment and attachments having been accomplished by operation of law, under § 143 of the school code of 1955. This defendant further says that the intervening individual plaintiffs had no right to vote on the subsequent transfer of territory by actions of defendant the Board of Education of the County of Kent February 25, 1963 and the State Board of Education June 5, 1963.

Wherefore, This defendant prays that:

1. The complaint of the intervening defendants be dismissed on the ground that the Court lacks jurisdiction over the subject matter.
2. The complaint of the intervening defendants be dismissed, because it fails to state a claim against defendants upon which relief can be granted.
3. *In the alternative*, if the Court holds that defendant the Board of Education of the County of Kent is malapportioned as alleged, which is denied, then this Court enter a final order denying any injunctive relief whatever, interlocutory, permanent or mandatory, touching on the legality or validity of the action taken February 25, 1963 by de-

defendant the Board of Education of the County of Kent and the action taken June 5, 1963 by the State Board of Education, on the grounds that:

(a) The action taken February 25, 1963 by defendant the Board of Education of the County of Kent was taken by de facto officers and a de facto governmental body and is legal and valid in all respects.

(b) The action taken June 5, 1963 by the State Board of Education, which is not a party to this suit, was taken by a de jure body, constituted by § 6, article XI of the 1908 Constitution of the State of Michigan, the 4 members of which were elected at large by the people of the State of Michigan and that said action was a duty prescribed by law under § 467 of the school code of 1955, as amended, being § 340.467 of the 1948 Compiled Laws of Michigan and MSA § 15.3467, and is legal and valid in all respects, appeal therefrom not having been taken within the time prescribed by law.

Dated: August 11, 1964.

Strawhecker and McCargar, Attorneys for Defendant, Kentwood Public Schools, Kent County, Michigan, By Paul O. Strawhecker, Of Counsel, 637 Michigan Trust Building, Grand Rapids, Michigan 49502.



[fol. 101]

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

[Title omitted]

ANSWER OF INTERVENING DEFENDANT FRANK J. KELLEY,  
ATTORNEY GENERAL OF THE STATE OF MICHIGAN, TO THE  
AMENDED COMPLAINT OF PLAINTIFFS—Filed September  
29, 1964

In answer to the complaint, as amended, Intervening Defendant Frank J. Kelley, Attorney General of the State of Michigan, says:

1. In answer to the allegations contained in paragraph 1 of the complaint, he denies all of them on the ground that the matters constituting the claims for relief set forth therein do not raise a federal question.

2. In answer to paragraph 2 of the complaint, the Intervening Defendant admits, on information and belief, that prior to December 31, 1962, plaintiffs James Sailors, Loretta Sailors, Seymour Koning, Mildred Koning, Grazzi Mullay and Rosalie Mullay were resident-electors and freeholders of the Township of Paris and school electors of defendant Kentwood Public Schools. The Intervening Defendant also admits that on December 31, 1962 the territory upon which said plaintiffs resided, with other territory described in Exhibits A, B, C and D, attached to the complaint, was detached from Paris Township, Kent County,

[File endorsement omitted]

Michigan and annexed to the City of Grand Rapids, Michigan, pursuant to the provisions of the Michigan home rule act, being Act 279, PA 1909, as amended, being CL 1948 §117.1 et seq.; MSA §5.2071 et seq., particularly sections 6, 7, 8 and 9 thereof, as amended. The Intervening Defendant denies that said plaintiffs individually as resident-electors and freeholders of the Township of Paris or as school-electors of this Intervening Defendant "were annexed on that date to the City of Grand Rapids."

3. In answer to paragraph 3 of the complaint, the Intervening Defendant admits that on December 31, 1962 the territory described in Exhibits A, B, C and D, attached to the complaint, by such annexation to the City of Grand Rapids, under said home rule act, became a part of the School District of Grand Rapids, by virtue of section 143, Chapter 5, Part 1 of the School Code of 1955, as amended, being CL 1948 §340.143; MSA §15.3143, which is as follows:

"Whenever territory shall be annexed to a city comprising a school district of the second class, such territory, by such annexation, shall become and be part of the school district of that city."

The Intervening Defendant further admits that the City of Grand Rapids comprised a school district of the second class, namely, the School District of the City of Grand Rapids, the corporate name of which is "The Board of Education of the City of Grand Rapids," plaintiff herein, under the provisions of section 154, Chapter 5, Part 1 of the School Code of 1955.

The Intervening Defendant denies that "said individual plaintiffs were thereby annexed to the School District of the City of Grand Rapids," but admits that by reason of the operation of said section 143, Chapter 5, Part 1 of the School Code of 1955, the individual plaintiffs became electors of the City of Grand Rapids and school electors of The School District of the City of Grand Rapids.

4. In answer to the allegations contained in paragraph 4, Intervening Defendant admits that the defendant Kentwood Public Schools adopted a resolution requesting the board of education of the county of Kent to detach certain areas from the plaintiff school district and to attach it to the Kentwood Public Schools in accordance with law, and [fol. 103] respectfully submits that no voter approval was required by law; Intervening Defendant denies that the Kentwood Public Schools adopted a resolution requesting the board of education of the county of Kent to act summarily.

5. In answer to the allegations contained in paragraph 5 of the complaint, Intervening Defendant admits that the board of education of the county of Kent acted upon resolution of the defendant Kentwood Public Schools in accordance with law, but denies that any action taken by the board of education of the county of Kent in that regard violated the civil rights of any individual plaintiffs.

6. In answer to the allegations contained in paragraph 6 of the complaint, Intervening Defendant denies each and every one of them and respectfully submits that section 294 of Act 269, PA 1955, was repealed by Act 190, PA 1962, and section 291 of Act 269, PA 1955 was repealed by Act 190, PA 1962. Intervening Defendant submits further that the aforesaid provisions and the successor provisions, being sections 291a and 294a, added by Act 190, PA 1962, are in accord with the 14th Amendment of the Constitution of the United States. Intervening Defendant further respectfully submits that the plaintiff board of education of the city of Grand Rapids has no rights or privileges protected by the 14th Amendment and denies that the individual plaintiffs have been deprived of any rights or benefits guaranteed by the Constitution of the United States.

7. In answer to the allegations contained in paragraph 7 and paragraph 7(a) through (g) of the complaint, the



Intervening Defendant on information and belief admits the statistical information contained in paragraph 7(a), 7(b), 7(c), 7(d), and in Exhibits E, F and G attached to the complaint, but denies all other allegations therein contained; that sections 291-294 of Act 269, PA 1955, have been repealed by Act 190, PA 1962. Intervening Defendant respectfully submits that plaintiff school district has no constitutional right to elect members of the board of education of Kent County, except as the legislature give them [fol. 104] the right, and that the individual plaintiffs have no constitutional right to elect members of the Kent County board of education.

8. In answer to the allegations contained in paragraph 8, Intervening Defendant denies each and every one of them, and respectfully submits that the Michigan Supreme Court has upheld the constitutionality of section 461 of Act 269, PA 1955, in *Lansing School District v. State Board of Education*, 367 Mich. 591.

9. In answer to the allegations contained in paragraph 9, the Intervening Defendant denies each and every one of them and respectfully submits to this court that the provisions found in section 461 of Act 269, PA 1955, are in accord with the Michigan Constitution as declared by the highest court in the State. Intervening Defendant further submits that neither the plaintiff school district nor the individual plaintiffs have any property right whatever in the territory or property, real or personal, of a school district in Michigan.

10. In answer to the allegations contained in paragraph 10 of the complaint, Intervening Defendant denies each and every one of them.

11. In answer to the allegations contained in paragraph 11, Intervening Defendant denies each and every one of them, and respectfully submits that the provisions of Act 269, PA 1955, in question are in accord with the Michigan Constitution and the Constitution of the United States.

12. In answer to the allegations contained in paragraph 12, Intervening Defendant denies each and every one of them, except the allegation that defendant, the board of education of the county of Kent, was expected to render a decision on the 25th day of February, 1963, which, on information and belief, Intervening Defendant admits.

[fol. 105] Wherefore, Intervening Defendant respectfully submits that the court lacks jurisdiction over the subject matter, and because the complaint fails to state a claim against the defendants upon which relief can be granted prays for judgment in its favor and against the plaintiffs dismissing the action.

13. In answer to the allegations contained in paragraph 13 of the complaint, added by amendment filed February 27, 1963, upon information and belief; Intervening Defendant admits the same, and further says that on February 15, 1963 the Honorable W. Wallace Kent, United States District Judge, entered an order restraining defendant the Board of Education of the County of Kent, the individual members of said board, their agents, servants, employees and attorneys, from assuming jurisdiction and authority of the question of detaching the areas referred to in Exhibit D (attached to the complaint) from the School District of the City of Grand Rapids and attaching the same to defendant Kentwood Public Schools; from conducting any further hearings in connection with the same and from rendering a decision or making any order in connection with the transfer petition filed by the defendant and pending before defendant Board of Education of the County of Kent. On motion of the defendant Kentwood Public Schools, said Honorable W. Wallace Kent revoked and set aside said temporary restraining order February 25, 1963 at 3:45 p.m. and thereafter the resolution of transfer, Exhibit H attached to paragraph 13 of the amendment to the complaint, was adopted. Intervening Defendant denies that plaintiffs are entitled to the relief prayed for in paragraph V of plaintiffs' prayer for relief added by said amendment.

14. In answer to the allegations contained in paragraph 14 of the complaint, added by amendment filed August 22, 1963, Intervening Defendant admits the allegation as it relates to the action of the State Board of Education. Intervening Defendant denies all the remaining allegations and submits that plaintiff school district obtained the Alexander Hamilton school building as a result of an election to annex [fol. 106] certain territory to the city of Grand Rapids and did not pay \$1.00 for the Alexander Hamilton school district when the area in question became detached from the Kentwood Public School District. Intervening Defendant denies that the plaintiffs are entitled to the relief prayed for in paragraphs VI and VII, added to the complaint by same amendment filed August 22, 1963.

15. In answer to the paragraph 14 of the complaint, added by amendment filed March 4, 1964, Intervening Defendant denies the allegations contained therein, and respectfully submits that neither the individual plaintiffs nor the plaintiff board of education have any property right whatever in the territory transferred by action taken by the board of education of the county of Kent, and that such action was in conformity with statutory requirements, Act 269, PA 1955, as found in Chapter 5, Part 2, thereof.

16. In answer to paragraph 15 of the complaint, added by amendment March 9, 1964, Intervening Defendant denies the allegation contained therein for reasons that are heretofore stated, and additionally, upon the ground that the State Board of Education not being a party to this action, this court cannot render judgment against it.

Wherefore, Intervening Defendant prays that the action be dismissed on the ground that it fails to state a claim against defendant upon which relief can be granted; that this court lacks jurisdiction over the subject matter; that the individual plaintiffs have neither standing nor claim because the territory upon which they reside is now a part of the territory of plaintiff school district under the order



of the State Board of Education entered June 5, 1963; that the plaintiff school district has no privileges or immunity under the Constitution of the United States which it may [fol. 107] invoke in opposition to the rule of its creator.

Respectfully submitted,

Frank J. Kelley, Attorney General of the State of Michigan, Intervening Defendant, By Eugene Krasicky, Assistant Attorney General.

Dated: September 28, A.D. 1964.

[fol. 108] Affidavit of Service (omitted in printing).

[fol. 109]

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

[Title omitted]

ANSWER OF INTERVENING DEFENDANT FRANK J. KELLEY, ATTORNEY GENERAL OF THE STATE OF MICHIGAN, TO THE COMPLAINT OF INTERVENING PLAINTIFFS WILLIAM A. DUTHLER, ANNA M. DUTHLER, HARVEY A. DUTHLER AND EDNA M. DUTHLER—Filed September 29, 1964

In answer to the complaint of the Intervening Plaintiffs William A. Duthler, Anna M. Duthler, Harvey A. Duthler and Edna M. Duthler, filed September 5, 1963, Intervening Defendant Frank J. Kelley, Attorney General of the State of Michigan, says:

1-11. In answer to the allegations contained in paragraphs 1-11, inclusive, of the complaint of the said Intervening Plaintiffs, the Intervening Defendant incorporates by reference his answers to paragraphs 1-11, inclusive, of the original complaint filed herein.

[File endorsement omitted]

12. In answer to the allegations contained in paragraph 12, the Intervening Defendant denies the allegations contained therein.

13. In answer to the allegations contained in paragraph 13 of the complaint of the Intervening Plaintiffs, Intervening Defendant incorporates by reference his answer to paragraph 13 of the original complaint.

14. In answer to the allegations contained in paragraph 14, Intervening Defendant admits that the State Board of Education entered an order which is identified as Exhibit 1, attached to the original complaint, and respectfully submits that none of the Intervening Plaintiffs chose to appear before the State Board of Education to advise them of their position relative to the property transfer; that until the Intervening Plaintiffs filed their complaint the State Board of Education had no knowledge of their wishes in this regard; and that the State Board of Education acted in accordance with lawful authority reposed in them. All other allegations are denied.

Wherefore, This Intervening Defendant prays that:

1. The complaint of the Intervening Plaintiffs be dismissed on the ground that the court lacks jurisdiction over the subject matter.

2. The complaint of the Intervening Plaintiffs be dismissed because it fails to state a claim against defendants upon which relief can be granted.

3. *In the alternative*, if the court holds that defendant the Board of Education of the County of Kent is malapportioned as alleged, which is denied, then this court enter a final order denying any injunctive relief whatever, interlocutory, permanent or mandatory, touching on the legality or validity of the action taken February 25, 1963 by defendant the Board of Education of the County of Kent and the action taken June 5, 1963 by the State Board of Education, on that grounds that:

(a) The action taken February 25, 1963 by defendant the Board of Education of the County of Kent was taken by de facto officers and a de facto governmental body and is legal and valid in all respects.

(b) The action taken June 5, 1963 by the State Board of Education which is not a party to this suit, was taken by a de jure body, constituted by Section 6, Article XI of the [fol. 111] 1908 Constitution of the State of Michigan, the four members of which were elected at large by the people of the State of Michigan and that said action was a duty prescribed by law under section 467 of the School Code of 1955, as amended, being §340.467 of the 1948 Compiled Laws of Michigan and MSA §15.3467, and is legal and valid in all respects, appeal therefrom not having been taken within the time prescribed by law.

Frank J. Kelley, Attorney General of the State of Michigan, Intervening Defendant, By Eugene Krasicky, Assistant Attorney General.

Dated: September 28, A.D. 1964.

[fol. 112] Affidavit of Service (omitted in printing).

[fol. 113]

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

[Title omitted]

ANSWER OF THE BOARD OF EDUCATION OF THE COUNTY  
OF KENT—Filed April 22, 1965

Comes Now the above named defendant The Board of Education of the County of Kent, and adopts as its answer



to plaintiff's complaint as amended the answer of defendant Kentwood Public Schools.

The Board of Education of the County of Kent further shows that it no longer exists as the Board of Education of the County of Kent but instead is now the Intermediate School District of Kent County.

Vander Veen, Freihofer & Cook, By George J. Cook,  
Attorneys for defendant, Board of Education of  
the County of Kent; Business Address: 111-G  
Waters Building, Grand Rapids, Michigan.

Dated: April 21, 1965.

[fol. 114]

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

[Title omitted]

STIPULATION OF FACTS—Filed May 3, 1966

Counsel for the respective parties hereby stipulate the following facts:

1. This cause was commenced February 15, 1963 seeking an injunction and declaratory relief. The complaint alleges that this action arises under the Fourteenth Amendment to the United States Constitution and §§ 1981 and 1983 of Title 42 of the United States Code and that jurisdiction is conferred by §§ 1331 and 1343 of Title 28 of the United States Code.

[File endorsement omitted]

2. Prior to December 31, 1962, plaintiffs James Sailors, Loretta Sailors, Seymour Koning, Mildred Koning, Grazi Mullay and Rosalie Mullay and intervening plaintiffs William A. Duthler, Anna M. Duthler, Harvey A. Duthler and Edna M. Duthler were resident-electors and freeholders of Paris Township, Kent County, Michigan and were school electors of defendant Kentwood Public Schools, Kent County, Michigan, a school district of the fourth class, under the provisions of chapter 3, part 1 of the school code of 1955, as amended (Act No. 269 of the Public Acts of Michigan of 1955, as amended; § 340.51 of the 1948 Compiled Laws of Michigan, et seq; Michigan Statutes Annotated § 15.3051 et seq).

3. Plaintiff The Board of Education of the City of Grand Rapids is, has continued to be and is now a school district of the second class under the provisions of chapter 5, part 1 of the school code of 1955, as amended (CL 1948 § 340.141, [fol. 115] et seq; MSA § 15.3141, et seq), located within the city limits of intervening plaintiff, The City of Grand Rapids.

4. Intervening plaintiff The City of Grand Rapids is a home rule city, under Act No. 279 of the Public Acts of Michigan of 1909, as amended (CL 1948, § 117.1, et seq; MSA § 5.2071, et seq).

5. At the time of commencement of this action, February 15, 1963, defendant The Board of Education of the County of Kent was the board granted supervision and control of the county school district, under chapter 8, part 1 of the school code of 1955, as amended (CL 1948 § 340.291, et seq; MSA § 15.3291, et seq), the powers and duties of which were set forth in § 297, chapter 8, part 1 of the school code of 1955, as amended (CL 1948 § 340.297; MSA 15.3297), which section is attached hereto and marked Exhibit 1.

(a) At annual school elections held in Kent County in 1957, the provisions of §§ 309 to 327, inclusive of the school code of 1955, as amended (CL 1948 §§ 340.309 to 340.327,

inclusive; MSA §§ 15.3309 to 3327, inclusive) with reference to special education became effective and from 1957 defendant The Board of Education of the County of Kent, since March 28, 1963 known as "The Board of Education of the Kent Intermediate School District" has levied each year an ad valorem tax of one-half mill for such purpose. The annual amounts of such levy for the operation of such special education program are set forth in Exhibit 2.

6. Act No. 190 of the Public Acts of 1962, effective March 28, 1963, repealed all of chapter 8, part 1 of the school code of 1955 as amended with reference to county school districts and in lieu thereof added 45 new sections to stand as §§ 291a to 328a of the school code of 1955 (CL 1948 §§ 340.291a to 328a; MSA §§ 15.3291(1) to 15.3328(1)). Under this statute the name of defendant The Board of Education of the County of Kent became "The Board of Education of the Kent Intermediate School District". The special education provisions became §§ 307a to 324a (CL 1948 §§ 340.307a to 340.324a; MSA §§ 15.3307(1) to 15.3324 [fol. 116] (1)). The powers and duties of the board of education of an intermediate school district are set forth in § 298a of the new act (CL 1948, § 340.298a; MSA § 15.3298 (1)), which section is attached hereto and marked Exhibit 3.

(a) Commencing with the year 1963, defendant, as The Board of Education of the Kent Intermediate School District, under said Act No. 190 PA 1962, levied ad valorem taxes for operations on a county-wide basis, in addition to the one-half mill for special education (see Exhibit 2), as follows: 1963, \$92,781.94 (.08 mill) and 1964, \$100,938.85 (.085 mill).

7. Defendant Kentwood Public Schools was created for the purpose of providing kindergarten through 12th grade education, July 1, 1958, by the consolidation of 6 elementary school districts, one of them being the so called Alexander Hamilton School District, upon which the modern 14-classroom Alexander Hamilton School was located,



under the provisions of chapter 3, part 2 of the school code of 1955, as amended (CL 1948 § 340.401, et seq; MSA § 15.3401, et seq, see Exhibit D attached to the complaint). Since the creation of defendant Kentwood Public Schools July 1, 1958, and prior to the annexation and transfer of the 4 areas involved in this litigation, there were 9 detachments of territory from defendant Kentwood Public Schools by annexation under the home rule act (one of such annexations having been voted before, but did not become effective until after defendant Kentwood Public Schools was created) and the operation of § 143 of the school code of 1955, with the 1962 state equalized valuation of \$10,935,523, \$12,726,860 in 1963 and \$14,018,810 in 1964 (see Exhibit 4 which is a district map of defendant Kentwood Public Schools showing the 9 detachments of territory, which are numbered 1 through 9 on the legend). These 9 detachments resulted in an average valuation per public school child of \$11,151.00 in 1962 as compared with \$14,350.00 prior to such detachments.

(a) Commencing with 1958 through December 31, 1962 there were 35 annexations of territory to intervening plaintiff The City of Grand Rapids under the home rule act and by operation of § 143 of the school code of 1955 (CL 1948, § 340.143; MSA § 15.3143) which provided as follows:

[fol. 117] "Whenever territory shall be annexed to a city comprising a school district of the second class, such territory, by such annexation, shall become and be part of the school district of that city;"

such territory, by such annexations, became a part of plaintiff school district. During this period the valuation of all the areas annexed to plaintiff school district totaled \$89,277,206 and such areas contained 4,403 children in the public schools resulting in an average valuation per public school child of \$20,274 as compared with \$22,426 per child in plaintiff school district prior to such annexations. See Exhibit 5 for map showing growth of Grand Rapids and

plaintiff school district during this period and Exhibit 6 for map showing all the school districts within Kent County as of July 1, 1963.

8. The 1962 Michigan legislature in effect repealed § 143 of the school code of 1955 by Act No. 177 PA 1962, approved by the Governor of the State of Michigan May 17, 1962, but, as the act was not given immediate effect, it did not take effect until March 28, 1963.

9. On proper petitions to the Board of Supervisors, Kent County, Michigan, signed by the requisite number of qualified electors and freeholders residing in the City of Grand Rapids and in Paris Township, and after consideration by the Board of Supervisors, the Supervisors ordered that special elections be held in said city and township February 19, 1962 for the purpose of submitting to the electors in the City of Grand Rapids and in Paris Township the following 3 questions:

"Shall territory in the Township of Paris, Kent County, Michigan, popularly known as Breton Avenue area, be annexed to the City of Grand Rapids, Michigan?"

"Shall territory in the Township of Paris, Kent County, Michigan, popularly known as Kendall area, be annexed to the City of Grand Rapids, Kent County, Michigan?"

"Shall territory in the Township of Paris, Kent County, Michigan, popularly known as Fuller-44th area, be annexed to the City of Grand Rapids, Kent County, Michigan?"

The individual plaintiffs and individual intervening plaintiffs understood that by voting annexation to the City of Grand Rapids, under the home rule act, the territory [fol. 118] annexed upon which they resided would become a part of plaintiff school district.

The resolutions of the board of supervisors provided that if the annexations were accomplished, they would be effective as of December 31, 1962, at 12:01 a.m.

All of the annexation proceedings were regular and were taken under the provisions of §§ 6, 7, 8 and 9 of the home rule act, as amended. The votes were favorable on the 3 proposed annexations. See Exhibits 7, 8 and 9. See Exhibits 10, 11 and 12 showing territory involved in the 3 annexations.

10. The Alger Street area, located in Paris Township within the boundaries of defendant Kentwood Public Schools, and uninhabited, was detached from Paris Township and annexed to the City of Grand Rapids by the affirmative vote of the legislative bodies of said township and city, under the provisions of § 9 of the home rule act, as amended and became effective December 26, 1962. See Exhibit 13 for territory involved. Prior to such detachment, plaintiff school district had obtained appraisals on and had negotiation with the owners of a part of such area, intending purchase thereof for a school site.

11. The legal descriptions of the 4 areas are found in Exhibit D attached to the complaint.

12. December 31, 1962, by the annexation of the so called Breton Avenue area, the Kendall area, the Fuller-44th Street area and the Alger area (December 26, 1962) to the City of Grand Rapids, under the home rule act, those areas became a part of plaintiff school district, by virtue of said § 143 of the school code of 1955, as amended (CL 1948 § 340.143; MSA § 15.3143).

13. By virtue of the operation of said § 143 of the school code of 1955 the individual plaintiffs and the individual intervening plaintiffs became electors of the City of Grand Rapids and school electors of plaintiff school district.

[fol. 119] 14. January 1, 1963 the board of education of defendant Kentwood Public Schools unanimously adopted resolutions requesting defendant the Board of Education of



the County of Kent to detach the Breton Avenue, Kendall, Fuller-44th Street and Alger Street areas from plaintiff The Board of Education of the City of Grand Rapids and attach the areas to defendant Kentwood Public Schools, pursuant to the provisions of chapter 5, part 2 of the school code of 1955, as amended, being the chapter of the school code providing for the transfer of territory between school districts (CL 1948 § 340.461 et seq.; MSA § 15.3461 et seq.). See Exhibit D attached to the complaint.

The individual plaintiffs and intervening individual plaintiffs, residents of the areas affected and/or taxpayers, were not consulted concerning their wishes or desires on this proposed detachment. Neither were the school electors of defendant Kentwood Public Schools consulted concerning their wishes or desires when the Alger area was annexed by joint resolution. The other three areas were annexed by petition and popular vote of the electors of Paris Township and Grand Rapids, under the home rule act. Kentwood School electors residing outside Paris Township boundaries had no right to vote on the question and were not consulted as to their wishes or desires. See Exhibits 7, 8 and 9, for tabulation of votes.

15. Defendant The Board of Education of the County of Kent accepted the transfer petitions, and after posting and publishing notice as required by § 462 of the school code of 1955 (CL 1948 § 340.462; MSA § 15.3462) held meetings January 29, 30, 31, February 5 and 6, 1963, at which meetings plaintiff The Board of Education of the City of Grand Rapids, defendant Kentwood Public Schools and defendant The Board of Education of the County of Kent were represented by counsel, sworn testimony was taken for and against such transfers, cross-examination of witnesses was allowed and all proceedings were taken stenographically by a court reporter, the transcript of which proceedings were introduced, received and marked Exhibit 1 at the hearing held before this Court March 1, 1963. At the final meeting held by defendant The Board of

Education of the County of Kent February 6, 1963, the president announced the intention of the board to render a decision on February 25, 1963. The individual plaintiffs, [fol. 120] intervening individual plaintiffs or other resident taxpayers of such 4 areas were not personally served with notice of such meetings.

(a) At the opening of the meeting held January 29, 1963, plaintiff moved dismissal of the proceedings by defendant The Board of Education of the County of Kent on the grounds that the statute (CL 1948, §§ 340.461 to 340.467; MSA §§ 15.3461 to 15.3467) failed to guarantee due process of law and the equal protection of the laws; that the notice requirements were inadequate and violated the federal constitution and that defendant The Board of Education of the County of Kent was ~~un~~constitutionally constituted in that it is an unrepresentative body and was elected contrary to the requirements of the equal protection clause of the federal constitution. This motion was denied by defendant The Board of Education of the County of Kent. See Exhibit 1 introduced and received in evidence at the hearing before this Court March 1, 1963.

(b) At the time of the meetings mentioned above, one member of defendant The Board of Education of the County of Kent, Mary Keeler, was a member of plaintiff The Board of Education of the City of Grand Rapids and a resident of the City of Grand Rapids. At the opening of the meeting held January 29, 1963, counsel for defendant Kentwood Public Schools requested that member Mary Keeler excuse herself from participating in the meetings on the ground that she was a member of plaintiff The Board of Education of the City of Grand Rapids, which was a party to the proceedings. This she refused to do, unless the other members so requested. The other members requested that she sit (see Exhibit 1 introduced and received in evidence at the hearing before this Court March 1, 1963).

16. February 15, 1963 plaintiffs filed the complaint herein with the Honorable W. Wallace Kent, United States

District Judge, who on that date entered an order restraining defendant The Board of Education of the County of Kent, the individual members of said board, their agents, servants, employees and attorneys, from assuming jurisdiction and authority on the question of detaching the areas described in Exhibit D attached to the complaint from The School District of the City of Grand Rapids and attaching the same to defendant Kentwood Public Schools; [fol. 121] from conducting any further hearings in connection with the same and from rendering a decision or making any order in connection with the transfer petition filed by defendant Kentwood Public Schools and pending before defendant The Board of Education of the County of Kent.

17. On motion of defendant Kentwood Public Schools, the Honorable W. Wallace Kent revoked and set aside the temporary restraining order February 25, 1963 at 3:45 o'clock p.m. See Exhibit 14.

18. The evening of February 25, 1963 defendant The Board of Education of the County of Kent adopted the resolution of transfer, which is Exhibit H attached to paragraph 13 of the complaint as added by amendment filed February 27, 1963 and which is attached hereto as Exhibit 15. No reasons, conclusions, or findings of fact, either orally or in writing, were rendered.

(a) At the hearing before this Court March 1, 1963, the motion of the Attorney General of the State of Michigan to intervene as a party defendant was granted.

19. Defendant Russell Emmons, a member of defendant The Board of Education of the County of Kent, participated fully in the deliberations, made a second to the motion to transfer and voted for the transfer. At the same time, his school district (Grandville) had a like petition pending before the county board to transfer property from plaintiff school district to the Grandville School District.



Member Mary Keeler voted against the transfer resolution.

20. A county board of education is composed of 5 members elected under the provisions of § 294 of the school code of 1955, as amended (CL 1948, § 340.294; MSA § 15.3294—see also § 292 of the school code of 1955; CL 1948 § 340.292; MSA § 15.3292).

Said § 294 of the school code of 1955 was repealed by said Act No. 190 PA 1962, which became effective March 28, 1963 and §§ 294a through 294h were added. While in effect the former method of election was retained (see § 294a), §§ 294b through 294h provided for the popular election of board members on referendum either by action of the intermediate board (§ 294c) or on petition of a majority of the [fol.122] boards of education within that intermediate school district representing more than 50% of the children on the last school census in the county district.

Sections 294c through 294h, as added by said Act No. 190 PA 1962, were amended by Act No. 290 PA 1964, effective August 28, 1964. The 1964 amendment to § 294c clarified the method of calling a referendum for the popular election of members of boards of education of intermediate school districts by the following language:

"The board shall submit the question upon receipt of resolutions adopted by a majority of the boards of education of constituent school districts and representing more than 50% of the children on the last school census in the intermediate district."

(a) The individual defendants, as members of defendant The Board of Education of the County of Kent, who received the transfer petition of defendant Kentwood Public School and acted thereon, were residents of and were elected for terms set forth as follows:

Victor Weller

(6 years, 1963). Rockford (Algoma No. 1 Fractional)

C. B. Leaver (6 years, 1959)	Kent City (Tyrone No. 4 Fractional)
Dewey Jaarsma (6 years, 1961)	Byron (Byron No. 1 Fractional)
Russell Emmons (6 years, 1963)	Grandville (Wyoming No. 1 Fractional)
Mary Keeler (2 years, 1963)	Grand Rapids (Grand Rapids No. 1)

In 1962 Mary Keeler was elected by the remaining members of the board to fill a vacancy until the 1963 election, as authorized by both §§ 294 and 294a.

(b) Of the 5 elected members of defendant The Board of Education of the County of Kent, plaintiff school district had but one, namely, Mary Keeler, and under the provisions of both §§ 294 and 294a would not be entitled to more than 2, although plaintiff school district had and has a population in excess of all other school districts in Kent County combined.

Under the referendum provision of § 294c of said Act No. 190 PA 1962, as amended by Act No. 290 PA 1964, plaintiff school district with a majority of the population of Kent County could not, acting alone, compel such referendum.

[fol. 123] 21. Section 294 of the school code of 1955, which prescribed the method of electing members of county boards of education provided in substance that the county superintendent of schools of each county school district, by reasonable notice sent by registered mail, call a meeting of the secretaries of boards of primary and fourth class school districts and the presidents of boards in other school districts, within the jurisdiction of the county school district, at which meeting members of the county board of education were elected by a majority vote of those present. The board of any of the school districts could by resolution designate any other member of the board to represent it

at such meeting. The members of the county board of education served a term of 6 years and elections were held biennially, which meant that biennially either 2 members or 1 member were elected depending upon the number of offices expiring. Terms commenced July 1.

Section 294a under the new act, retained the substance of former § 294 with reference to such elections. Section 294a substituted notice by certified mail rather than registered mail. Section 294 provided that if a vacancy was not filled within 30 days by the majority of the remaining members, the vacancy would be filled by the county board of supervisors. Section 294a substituted the state board of education. Section 294 provided that not more than 2 members of the county board of education could be elected from any one township or city. Section 294a provides that not more than 2 members of the board shall be from the same school district unless there are fewer districts than there are positions to be filled.

September 29, 1961, there were 56 primary, fourth class, third class and one second class district (plaintiff school district) within Kent County. Through consolidations and annexations the total number of school districts within Kent County was reduced in 1964 to 39. The total population of Kent County as of the 1960 federal decennial census was 363,187. The population of plaintiff school district as of the same census, as adjusted for annexations, was 201,777 or 55.6% of the total.

(a) Ashley School District in Kent County and under the jurisdiction of defendant The County Board of Education of Kent County had a population of 145 and 1 vote. Boyd School District had a population of 191 and 1 vote; [fol. 124] Dodge School District had a population of 117 and 1 vote; Hoag School District had a population of 111 and 1 vote; Nelson Center School District had a population of 99 and 1 vote. The school District of the City of Grand Rapids had a population of 201,777 and 1 vote. For population variance ratios see Exhibit 16.



(b) Kent County had a total 1963 state equalized valuation of \$1,165,923,800, of which valuation plaintiff school district had \$636,758,000 or 54.6%. Kent County had a total 1964 state equalized valuation of \$1,193,579,600, of which valuation plaintiff school district had \$615,235,596 or 51.5%. See Exhibit 17.

(c) Kent County had a total 1963 school census (0-19) of 157,915, of which plaintiff school district had 75,863 or 48.04%. Kent County had a total 1964 school census of 160,638 of which plaintiff school district had 76,395 or 47.6%. See Exhibit 18.

(d) During the last two years, a majority of the school districts in Kent County with the smallest school census has averaged less than 2% of the total school census of Kent County. See Exhibit 19.

22. March 1, 1963 this Court held a hearing on the motions of the defendants to dismiss the complaint and other pending motions, after which it entered the order of March 4, 1963.

In substance the order of March 4, 1963 denied the motion of plaintiffs to reinstate the restraining order vacated by the Honorable W. Wallace Kent, entered February 25, 1963 and likewise denied plaintiffs' application for an interlocutory injunction at that time. Defendant's motion to dismiss the complaint was held in abeyance and the Court retained jurisdiction "awaiting the plaintiff's exercise of their administrative remedies provided by the Michigan statutes, and, if they so choose, their application to the Supreme Court of Michigan for a writ of certiorari to review the action of the State Board of Education."

23. Pursuant to § 467 of the school code of 1955, as amended (CL 1948 § 340.467; MSA § 15.3467) plaintiffs appealed the order of transfer entered February 25, 1963 by defendant The Board of Education of the County of Kent to the State Board of Education. The State Board

of Education, which is not a party to this suit, was con-[fol. 125] stituted by § 6, article XI of the 1908 Constitution of the State of Michigan, the 4 members of which were elected at large by the people of the State of Michigan.

24. The State Board of Education, after notice to plaintiffs as appellants and defendants as appellees and having taken testimony of all persons called as witnesses by the parties and the arguments of the attorneys, entered the amended order June 5, 1963 (which is Exhibit C attached to the complaint as amended March 9, 1964) without reasons, conclusions or finding of fact. No oral or written opinion was given. See Exhibit 20. The amended order of the State Board of Education entered June 5, 1963 set aside the action of defendant The Board of Education of the County of Kent taken February 25, 1963 and ordered that the territory involved be transferred from the school district of the City of Grand Rapids to Kentwood Public Schools, except for the property owned and occupied by the individual plaintiffs, James Sailors and Loretta Sailors, his wife, Seymour Koning and Mildred Koning, his wife, and Grazzi Mullay and Rosalie Mullay, his wife, and 2 other lots owned by Louise M. Scalice and Dorothy Biermacker. See Exhibits 21 and 22. The transfer included property owned by the intervening plaintiffs and on which they reside.

The only explanation given to this Court for the exemption of the individual plaintiffs from the amended order of the State Board of Education entered June 5, 1963 was that their wish to be in plaintiff school district was granted. See statement of Assistant Attorney General Eugene Krasicky attached as Exhibit 23.

25. The territory transferred by order of the State Board of Education had a 1964 state equalized valuation of \$5,369,584. The 1964 tax levy by defendant Kentwood Public Schools against such territory for all school purposes totalled \$124,554.35 or a tax rate of 23.2 mills on state equalized value. The 1964 levy by plaintiff school

district against such territory totalled \$84,839.43 or a tax rate of 15.8 mills. The Alexander Hamilton school building is located within the area transferred to defendant Kentwood Public Schools. By stipulation filed in this cause, dated September 10, 1964, if the transfers are voided, the operating taxes for 1964 which were collected by defendant Kentwood Public Schools will be turned over to plaintiff [fol. 126] school district and the levy made by defendant Kentwood Public Schools in 1964 for debt retirement for the 1964 bond issue will be returned to the taxpayers in the 4 areas. See the stipulation with reference to the collection and remittance of 1964 school taxes dated and filed herein September 10, 1964.

26. September 3, 1963 William A. Duthler, Anna M. Duthler, Harvey A. Duthler and Edna M. Duthler, who were, prior to December 31, 1962, resident-electors and freeholders of Paris Township, Kent County, Michigan and were school electors of defendant Kentwood Public Schools, but are now resident-electors and freeholders of the City of Grand Rapids, while school electors of defendant Kentwood Public Schools, filed a motion to intervene as parties plaintiff, which motion was granted by order of this Court entered June 4, 1964.

The intervening individual plaintiffs were not consulted concerning their wishes or desires on the transfer and had no right to vote thereon. Neither were the school electors of defendant Kentwood Public Schools consulted concerning their wishes or desires on the annexation of the Alger area. The other three areas were annexed by petition and popular vote of the electors of Paris Township and Grand Rapids. Kentwood voters outside Paris Township boundaries had no right under the home rule act to vote, and were not consulted as to their wishes or desires. See exhibits 7, 8 and 9 for tabulation of votes.

27. Plaintiffs did not make application to the Supreme Court of Michigan for leave to appeal the amended order



of the State Board of Education entered June 5, 1963 and the order of the State Board of Education has become final.

28. Frank J. Kelley, Attorney General of the State of Michigan, intervening defendant herein, requested Lynn M. Bartlett, Michigan State Superintendent of Public Instruction, to conduct a survey of all of the intermediate school districts to ascertain for the past ten years the number of transfers granted, transfers modified and transfers denied for each intermediate school district. Information was also requested showing intermediate school district budgets for 1964, whether the intermediate school district is conducting a special education program and the number of tax mills voted for special education. Responses were received from the intermediate school superintendents between June 15, 1964 and July 15, 1964 and the results of [fol. 127] the survey are attached hereto, showing the information for each intermediate school district. In addition appended hereto is a map showing the intermediate school districts, including those that had been annexed and consolidated, and a tabulation of total of transfers granted, transfers modified, and transfers denied with an average of such requests for 10 years.

The survey of intermediate school districts is attached hereto as Exhibit 24, consisting of 12 pages, the map of the intermediate school districts is attached as Exhibit 25, consisting of 1 page, and the table of the summary of transfers granted, etc. is attached hereto as Exhibit 26, consisting of 2 pages.

29. Since February 25, 1963, when the ex parte temporary restraining order issued in this cause was dissolved (Exhibit 14) and defendant The Board of Education of the County of Kent ordered the transfer of the 4 areas (Exhibit 15), defendant The Board of Education of the County of Kent has exercised the powers and performed the duties granted and imposed on it by said § 297 of the school code of 1955, as amended (Exhibit 1) and since March 28, 1963 said defendant, now known as The Board

of Education of the Kent Intermediate School District, has exercised the powers and performed the duties granted and imposed on it by § 298a of the school code of 1955, as added by Act No. 190 PA 1962 (Exhibit 3).

In addition to exercising such powers and performing such duties, said defendant has entered 35 orders transferring certain territory between school districts within its jurisdiction, under the provisions of chapter 5, part 2 of the school code of 1955, as amended (CL 1948, § 340.461 et seq.; MSA § 15.3461). See Exhibit 27.

30. March 16, 1963 territory with a 1964 state equalized valuation of \$14,659,195, was transferred by order of defendant The Board of Education of the County of Kent from plaintiff school district to Godwin Heights Public Schools. See item 63-4 on Exhibit 27.

May 17, 1963 territory with a 1964 state equalized valuation of \$727,399, was transferred by order of defendant The Board of Education of the County of Kent from plaintiff school district to Grandville Public Schools. See item 63-9 on Exhibit 27.

[fol. 128] The territory so transferred was uninhabited and had been previously annexed to the City of Grand Rapids under the home rule act and became part of plaintiff school district under said § 143 of the school code of 1955.

Both transfers were appealed by plaintiff school district and others to the State Board of Education, which confirmed said transfers by order entered June 5, 1963 on the Godwin transfer and by order entered August 13, 1963 on the Grandville transfer. Plaintiff school district and others made applications on both transfers to the Supreme Court of Michigan for leave to appeal the orders of the State Board of Education, asserting substantially the same constitutional questions asserted in the case at bar. Briefs were filed in each case in the Supreme Court of Michigan by the appellants and appellees and the Supreme Court of Michigan denied leave to appeal, by order entered Novem-

ber 6, 1963 in the Godwin case and by order entered February 26, 1964 in the Grandville case. Appeal to the Supreme Court of the United States was not taken in either case. See supplemental motion of defendant Kentwood Public Schools to dismiss the complaint dated and filed herein March 2, 1964.

February 15, 1965 defendant The Board of Education of Kent Intermediate School District transferred territory with a 1964 state equalized valuation of \$46,200 from Godwin Heights Public Schools to plaintiff school district. See item 65-1 on Exhibit 27.

Including the transfers to defendant Kentwood Public Schools the net 1964 state equalized valuation of territory detached from plaintiff school district totalled \$20,709,978. With 20 public school children in membership in 1963, in said territory so detached, the 1964 state equalized valuation per membership child was \$1,035,499.

31. The Alexander Hamilton School, located within the transferred area, see Exhibit 21, is .7 miles distance from the residence of plaintiffs Sailors and Koning and 2.2 miles distance from plaintiffs Malloy. The nearest Grand Rapids school to the residences of Sailors and Koning, at the time of transfer, was Shawnee Park School which was 2.7 miles distance. The nearest Grand Rapids school to the residence of the Malloys, at the time of transfer was the Alger School which was 2.7 miles distance. Since the transfer a new elementary school has been opened which is 2.1 miles distance from the residence of Sailors and Koning and 1.5 miles distance from the residence of the Malloys.

Dated: April 30, 1965

[fol. 129] For Plaintiffs and Intervening Plaintiffs:

Dutchess, Mika, Miles, Meyers, Merdzinski & Snow,  
By Wendell A. Miles, Attorneys for Individual  
Plaintiffs and Intervening Individual Plaintiffs,  
Of Counsel for Plaintiff The Board of Education



of the City of Grand Rapids, 311 Waters Building, Grand Rapids, Michigan 49502;

McDonald & Anderson, By Roger D. Anderson, Attorney for Plaintiff The Board of Education of the City of Grand Rapids, Of Counsel for Individual and Intervening Individual Plaintiffs, 1107 Michigan National Bank Building, Grand Rapids, Michigan 49502;

William J. Garlington, City Attorney for the City of Grand Rapids, Michigan, Intervening Plaintiff, City Hall, Grand Rapids, Michigan 49502.

For Defendants and Intervening Defendant:

Vanderveen, Freihofer & Cook, By George R. Cook, Attorneys for the Board of Education of the County of Kent and Victor Weller, Dewey Jaarsma, Mary I. Keeler, Russell Emmons, and C. B. Leaver, as members thereof, Suite 111-G Waters Building, Grand Rapids, Michigan 49502.

Strawhecker and McCargar, Attorneys for Defendant Kentwood Public Schools, Kent County, Michigan, By Paul O. Strawhecker, 637 Michigan Trust Building, Grand Rapids, Michigan 49502.

Frank J. Kelley, Attorney General, Intervening Defendant, By Eugene Krasicky, Assistant Attorney General, Capitol Building, Lansing, Michigan.

[fol. 130]

#### EXHIBIT I TO STIPULATION OF FACTS

*Powers and duties of the county board of education under the provisions of § 297 of the school code of 1955, as amended (CL 1948, § 340.297; MSA § 15.3297).*

SEC. 297. The powers and duties of the county board of education shall be as follows:

(a) To receive from the county treasurer such reports of delinquent taxes due school districts as this official is required by law to file with township and city clerks and to compute from such report the amount of delinquent school taxes due each school district in the county. The county treasurer of each county shall, at the time of making monthly settlements with the several township and city treasurers of the county, file with the secretary of the county board of education a statement of all delinquent school taxes which are included in the amounts sent by the county treasurer to the several township and city treasurers of the county, together with the descriptions upon which these delinquent school taxes shall have been paid. The county board of education shall, upon receipt of such statements, compute the amount of delinquent school taxes and interest thereon included in such statement that shall be due each school district of the county and shall, within 30 days from receiving the statement from the county treasurer, give notice to the secretary of each school board of the county of the amount of delinquent school tax and interest thereon that belongs to his district and which was included in the amount sent by the county treasurer to the treasurer of the township or city in which his district is located.

(b) To recommend the purchase of library books for all school libraries and of all instructional equipment in school districts not employing a superintendent of schools.

(c) To employ a county superintendent of schools and such assistants, including in its discretion a deputy, as it shall deem necessary for the best interest of the county and to fix the compensation for the same except as otherwise provided in section 300 of this act. That part of the compensation of the county superintendent of schools as is paid from county funds and the compensation of the deputy and assistants which shall include salaries and traveling expenses incurred in the discharge of their office.

cial duties and the necessary and contingent expenses of the office of the county board of education and the county superintendent of schools for printing, postage, stationery, record books, equipment, office and telephone rental, rent of rooms for teachers' or school officers' meetings, pupils' mental and achievement tests, expenses incurred in the health and social service program of the office, and elections conducted by the county board of education, shall be paid by the county treasurer after the same have been authorized by the county board of education from such amounts as may be appropriated therefor by the county board of supervisors. The county board of education shall employ and contract with for a term of not to exceed 4 years a county superintendent of schools who shall have the qualifications and perform the duties as provided in this act. On or before the close of each term, or sooner if there should be a vacancy, the superintendent's successor shall be employed as herein provided.

[fol. 131] (d) Each county board of education shall make or cause to be made a map of the county, showing by distinct lines thereon the boundaries of each school district and parts of school districts therein, if such school districts exist, and shall number the same thereon as established by proper authority. One copy of such map shall be filed in the office of the county superintendent of schools, 1 copy shall be filed with the supervisors of the respective townships, and 1 copy shall be filed in the office of the superintendent of public instruction. If any division or alteration is at any time made in the boundary lines of any district the county board of education shall within 1 month thereafter, file a new map and copies thereof as aforesaid showing such changes.

(e) The county board of education shall cause to be taken an annual school census by the agency and in the manner provided in chapter 30, part 2 of this act, in each and every school district within the provisions of this act.



(f) The county board of education shall make out an annual budget showing the total amount required to carry on the lawful activities of the county board of education, which amount shall be assessed and collected at the same time and in the same manner as other county taxes are assessed and collected and paid out by the proper authorities of said county upon the direction of the county board of education.

(g) The county board of education shall be empowered to furnish services on a consultant or supervisory basis to any school district employing a superintendent of schools upon request of the board of education of that district.

(h) The county board of education shall be empowered to employ teachers meeting the qualifications as set up by the state board of education and the superintendent of public instruction for serving speech defective children, hard of hearing children who need lip reading training, and home-bound children of normal mentality: Provided, That no school district other than the county district is able or is willing to provide such services; And provided further, That such programs are previously approved by the superintendent of public instruction. Such programs when approved may be reimbursed in accordance with the provisions of chapter 17 of part 2 of this act.

(i) The county board of education shall be empowered to direct, supervise and conduct cooperative educational programs within the county in behalf of school districts which request such services from the county board of education. The county board of education is empowered to utilize any available funds, appropriated by the county board of supervisors for that purpose or allocated by boards of education of the cooperating school districts, and to accept contributions from other sources, for the purpose of financing the programs. Such funds shall be deposited with the county treasurer through the county superintendent of schools in a special fund and shall be disbursed

as the county board of education shall direct. Notwithstanding any other provision of law, the county board of supervisors is hereby authorized to appropriate, and the boards of education of the various school districts are hereby authorized to allocate, available funds not otherwise obligated by law, for such educational programs. The county board of education shall have power to employ teachers and take any other action necessary to direct, supervise and conduct such educational programs.

[fol. 132]

### EXHIBIT No. 2

The *ad valorem* tax levy by the County School Board (now The Kent Intermediate School district) for special education purposes for the years 1957 to 1964 inclusive was as follows:

Year	Rate	Amount	when fully collected
1957	½ mill	466,885.00	
1958	"	480,844.00	" " "
1959	"	499,301.00	" " "
1960	"	549,822.00	" " "
1961	"	565,950.00	" " "
1962	"	570,892.00	" " "
1963	"	584,624.00	" " "
1964	"	598,653.00	" " "

[fol. 133]

### EXHIBIT 3

*Powers and duties of the board of education of the intermediate school district under the provisions of § 298a of the school code of 1955; as added by Act No. 190 PA 1963, effective March 28, 1963 (CL 1948, § 340.298a; MSA 15.3298 (1)).*

SEC. 298a. (1) The board shall:

(a) Perform such duties as required by law and by the superintendent of public instruction, but shall not super-

sede nor replace the board of education of any constituent school district, nor shall it control or otherwise interfere with the rights of constituent districts except as provided in this chapter.

(b) Employ a superintendent and such assistants, including, in its discretion, a deputy, as it deems necessary for the best interest of the district and fix the compensation for the same. The compensation of the superintendent and his deputy and assistants, which shall include salaries and travel expenses incurred in the discharge of their official duties and the necessary contingent expenses of the office of the board and the superintendent for printing, postage, stationery, record books, equipment, office and telephone rental, rental of rooms for teachers' or school officers' meetings, pupils' mental and achievement tests, expenses incurred in the health and social service program of the office, elections conducted by the board, expenses incurred by the board in the legal performance of its duties, expenses incurred for heat, light, electricity, insurance, buildings and grounds maintenance, per diem of board members, and their expenses incurred in traveling in the discharge of their official duties, reference books, professional journals, instructional supplies and equipment, legal fees, janitorial supplies and equipment, shall be paid by the treasurer, after the same have been authorized by the board, from such amounts as have been levied and collected therefor by the county board of supervisors and from any other available funds. The board shall employ and contract for a term of not to exceed 4 years, a superintendent who shall have the qualifications and perform the duties as provided in this chapter. On or before the close of each term, or sooner if there is a vacancy, the superintendent's successor shall be employed as herein provided.

(c) Prepare an annual general budget which shall be in the same form as that provided for other school districts. On or before March 1 of each year the board shall submit such budget to a meeting of 1 school board member named



from each constituent school district to represent such a district. At such meeting the president of the intermediate district board shall preside, the secretary shall keep the minutes and the representatives of constituent district boards shall by majority vote determine the maximum amount of the intermediate district general budget but shall not make final determinations as to line items in such a budget. Following such meeting the intermediate district board shall file its budget, the maximum amount of which shall not exceed that approved by the school board representative of constituent districts, with the county clerks of the counties in which it has territory. Each county clerk receiving the budget shall deliver it to the tax allocation board in the same manner as other school district budgets are handled.

[fol. 134] The tax allocation board shall receive the budgets from its county clerk, shall treat them as other school district budgets are treated and shall allocate tax rates to intermediate school districts for the purposes set forth in this act. When the intermediate district board has received an allocation on the basis of its budget, it shall certify for collection to the city and township officials concerned a statement of the amount of taxes to be levied, which certification shall be made at the same time and in the same manner as that of other school districts. The rate certified for levy shall not exceed the amount allocated.

On receipt of the statement from such board, the city and township officials responsible for the levying and collection of taxes shall spread on the tax roll an intermediate school district tax equal to the amount ordered spread, and shall collect such taxes in the same manner as other taxes are collected.

Taxes collected under the provisions of this chapter shall be paid over to the county treasurer in the same manner as other county taxes are paid over, and similar accounts and records shall be kept. The county treasurer shall pay over all funds received under this act to the treasurer.

of the board. County treasurers of counties in which fractions of the intermediate school districts operating under this act are situated shall pay over those funds collected under the act to the treasurer of the board.

Intermediate school district taxes shall be assessed, levied and collected as provided in Act No. 206 of the Public Acts of 1893, as amended, being sections 211.1 to 211.157 of the Compiled Laws of 1948. Budgets shall be submitted and intermediate school districts shall be governed by the provisions of Act No. 62 of the Public Acts of 1933, as amended, being sections 211.201 to 211.217 of the Compiled Laws of 1948.

(d) Receive from the county treasurer such reports of delinquent taxes due school districts as he is required by law to file with township and city clerks and compute from such report the amount of delinquent school taxes due each school district in the county. The county treasurer of each county, at the time of making monthly settlements with the several township and city treasurers of the county, shall file with the secretary of the board a statement of all delinquent school taxes which are included in the amounts sent by the county treasurer to the several township and city treasurers of the county, together with the descriptions upon which the delinquent school taxes have been paid. The board, upon receipt of such statements, shall compute the amount of delinquent school taxes and interest thereon included in the statement which are due each school district of the county and, within 30 days from receiving the statement from the county treasurer, shall give notice to the secretary of the board of education of each school district of the amount of delinquent school tax and interest thereon that belongs to his district and which was included in the amount sent by the county treasurer to the treasurer of the township or city in which his district is located.

(e) Prepare a map of the intermediate district annually as of July 1, showing by distinct lines thereon the boundaries of each constituent school district. One copy of such

map shall be filed in the office of the superintendent, 1 copy shall be filed with each of the supervisors of the respective townships, and 1 copy shall be filed in the office of the superintendent of public instruction, and 1 copy shall be filed in the office of the secretary of state.

(f) Cause an annual school census to be taken by the agency and in the manner provided in sections 941 to 948 of this act, in each and every school district within the provision of this chapter.

[fol. 135] (g) Furnish services on a consultant or supervisory basis to any constituent school district upon request of that district.

(h) Employ teachers meeting the qualifications as set up by the state board of education and the superintendent of public instruction for serving speech defective children, hard of hearing children who need lip reading training, mentally retarded, physically handicapped, emotionally distressed, homebound children of normal mentality and any other atypical children if the programs are previously approved by the superintendent of public instruction, and if no school district other than the intermediate district is able and willing to provide such services. The district, when the programs have been approved by the superintendent of public instruction, may be reimbursed in accordance with the provisions of sections 771 to 780 of this act.

(i) Direct, supervise and conduct cooperative educational programs in behalf of the constituent (sic) school districts which request such services. The board may utilize any available funds not otherwise obligated by law, and accept contributions from other sources, for the purpose of financing the programs. The funds shall be deposited with the treasurer in a special fund and shall be disbursed as the board of education shall direct. Notwithstanding any other provision of law, the board of supervisors may appropriate, and the boards of education of the constituent school districts may allocate available funds not otherwise

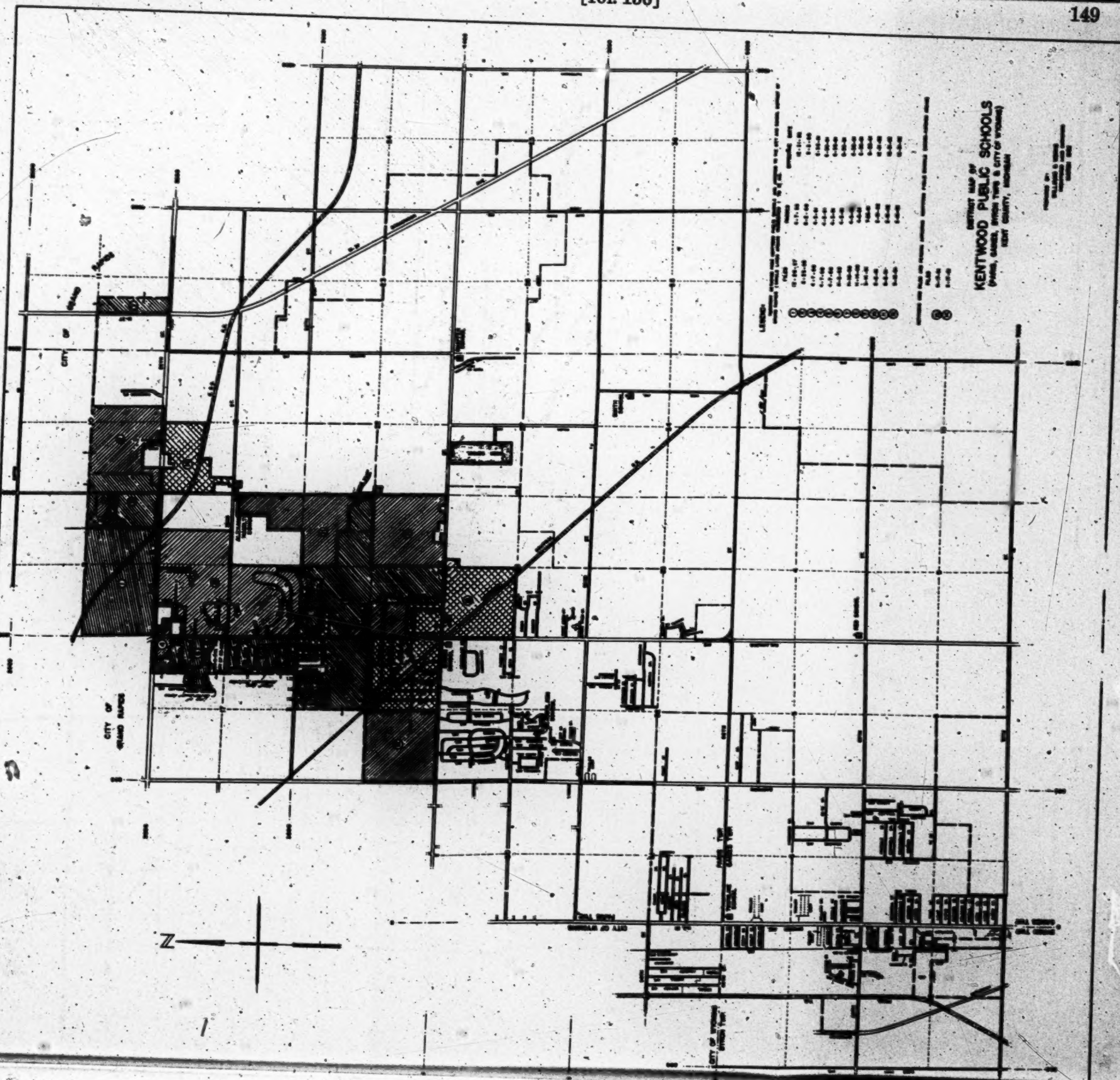


obligated by law, for such educational programs. The board may employ teachers and take any other action necessary to direct, supervise and conduct such educational programs.

(j) Conduct cooperative programs mutually agreed upon by the boards of not more than 3 intermediate school districts.

(k) When directed by the board of supervisors, establish, if the board deems necessary, a school for those persons of school age who are housed in children's homes operated by the juvenile court or who are living at home but assigned to such school by a juvenile court. The board of education may lease or purchase sites for such schools, build, lease or rent housing facilities for such schools, may employ such teaching and supervisory staff as is necessary to operate such schools, is authorized to make rules and regulations covering the operation of such schools, may exclude students for reason of persistent misbehavior, or bodily conditions and habits disturbing to the orderly conduct of the school, is authorized to classify and promote students for instructional purposes, and otherwise do all those things necessary to the proper conduct of such a school.

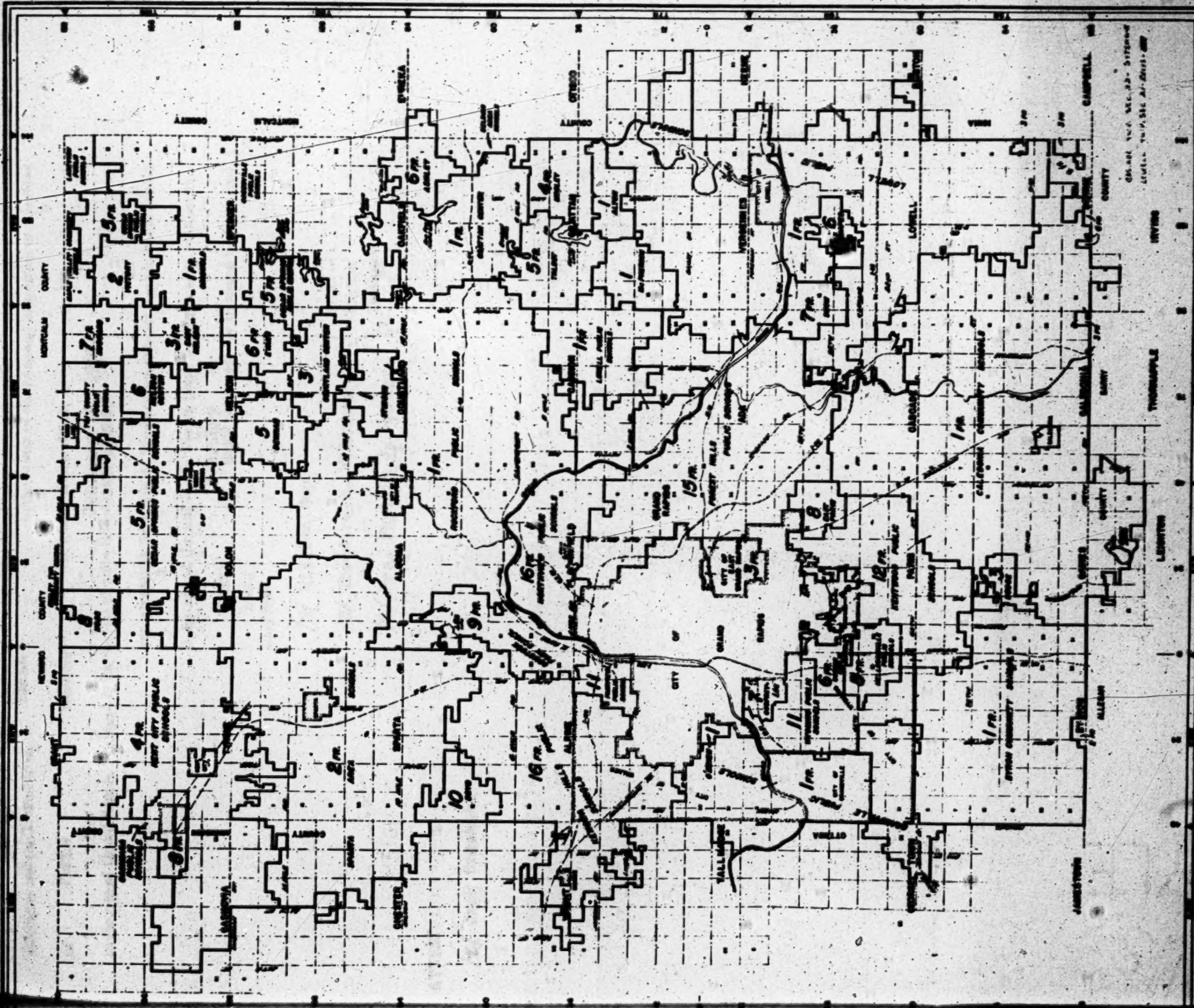
(2) Any member of the board may administer oaths for the qualifying of board members and oaths required in any other transaction connected with, or related to, the educational program of the intermediate school district.











KENT INTERMEDIATE SCHOOL DISTRICT  
BOARD OF EDUCATION

100-000 OFFICIAL MAP OF KENT, GRAND RAPIDS, AND

100-000 OFFICIAL MAP OF KENT, GRAND RAPIDS, AND





The following is the result of the votes cast on the matter of annexation of a part of the Township of Paris, February 19, 1962

to the City of Grand Rapids at the Special Election held in the

area in Kent County, Michigan.

Proposal No. 1 - Breton Ave. Area

The total number of votes cast for and against annexation of a portion of Paris

Township to the City of Grand Rapids was

Twenty-three thousand and forty-one

23,041

For Annexation Seventeen thousand seven hundred and forty-two

17,742

Against Annexation Five thousand two hundred and ninety-nine

5,299

Total

23,041

and they were given for the following areas:

The City of Grand Rapids received

Twenty-two thousand three hundred and thirteen

22,313

For Annexation Seventeen thousand six hundred and forty-three

17,643

Against Annexation Four thousand six hundred and seventy

4,670

Total

22,313

The affected area in the Township of Paris

received Seven

7

For Annexation Seven

7

Against Annexation

0

Total

7

The Township of Paris outside of the affected area

received Seven hundred and twenty-one

721

For Annexation Ninety-two

92

Against Annexation Six hundred and Twenty-nine

629

Total

721

STATE OF MICHIGAN  
COUNTY OF KENT

WEED WILSON, Clerk, Grand Rapids, Michigan, being a correct statement of the votes given in the City of Grand Rapids,

Michigan and the Township of Paris

of Paris Township ( Breton Ave. Area )

to the City of Grand Rapids, Michigan at the Special Election held on February 19, 1962.

IN WITNESS WHEREOF, We have hereunto set our hands and seal

to be affixed the seal of the Circuit Court for the County of Kent this

22<sup>nd</sup> day of February, 1962.

two  
sixty

/s/ William Rupp

/s/ Theodore H. Williams

/s/ Mrs. Payella J. Rupp

Board of  
Election

Clerk

ATTEST:

/s/ Jack Ferguson



# RESOLUTION NO. 2 - TOWNSHIP OF Paris - Kendall Area

The following is the result of the votes cast on the matter of annexation of a portion of the Township of Paris to the City of Grand Rapids at the Special Election held on February 19, 1962, in those areas in Kent County, Michigan.

## Proposal NO. 2 - Kendall Area

The total number of votes cast for and against annexation of a portion of Paris Township to the City of Grand Rapids was

Twenty-two thousand seven hundred and forty-eight	22,748
For Annexation	17,419
Against Annexation	5,329
Total	22,748

and they were given for the following areas:

The City of Grand Rapids received

Twenty-two thousand and twenty-five	22,025
For Annexation	17,328
Against Annexation	4,697
Total	22,025

The affected area in the Township of Paris received

Twenty-six	26
For Annexation	16
Against Annexation	10
Total	26

The Township of Paris outside of the affected area received

Six hundred and ninety-seven	697
For Annexation	75
Against Annexation	622
Total	697

STATE OF MICHIGAN  
COUNTY OF KENT

WE DO HEREBY CERTIFY, That the foregoing is a correct statement of the votes given in the City of Grand Rapids, Michigan and the Township of Paris in the matter of the proposed annexation of a portion of Paris Township to the City of Grand Rapids, Michigan at the Special Election held on February 19, 1962.

IN WITNESS WHEREOF, We have hereto set our hands and caused to be affixed the seal of the Circuit Court for the County of Kent this February 21st, 1962, day of February in the year one thousand nine hundred and sixty-two.

/s/ William Rupp  
/s/ Theodore H. Williams  
/s/ Mrs. Phyllis J. Hendrix

Board of  
Election  
Commissioners

ATTEST:

1st Jack Davidson



# PROPOSAL NO. 5 (TOWNSHIP OF PARIS - FULLER-WILTH, AREA)

The following is the result of the vote cast on the matter of annexation of a portion of Paris Township of February 19, 1962 to the City of Grand Rapids at the Special Election held ~~in the~~ in these areas in Kent County, Michigan.

## Proposal NO. 5 - Fuller-Wilth, Area

The total number of votes cast for and against annexation of a portion of Paris Township to the City of Grand Rapids was

Twenty-two thousand seven hundred and twenty-seven	22,727
For Annexation	Seventeen Thousand five hundred and thirty-nine
Against Annexation	Five thousand one hundred and eighty-eight
	5,188
Total	22,727

and they were given for the following areas:

The City of Grand Rapids received

Twenty-two thousand	22,000
For Annexation	Seventeen thousand four hundred and forty-five
Against Annexation	Four thousand five hundred and fifty-five
	4,555
Total	22,000

The affected area in the Township of Paris

received	Twelve
For Annexation	Seven
Against Annexation	Five
	12
	7
	5
Total	12

The Township of Paris outside of the affected area

received	Seven hundred and fifteen
For Annexation	Eighty-seven
Against Annexation	Six hundred and twenty-eight
	715
	87
	628
Total	715

STATE OF MICHIGAN  
COUNTY OF KENT

WE DO HEREBY CERTIFY, That the foregoing is a correct statement of the votes given in the City of Grand Rapids, Michigan and the Township of Paris in the matter of the proposed annexation of a portion of Paris Township ( Fuller-Wilth, Area ) February 19, 1962. to the city of Grand Rapids, Michigan at the Special Election held ~~in the~~ in these

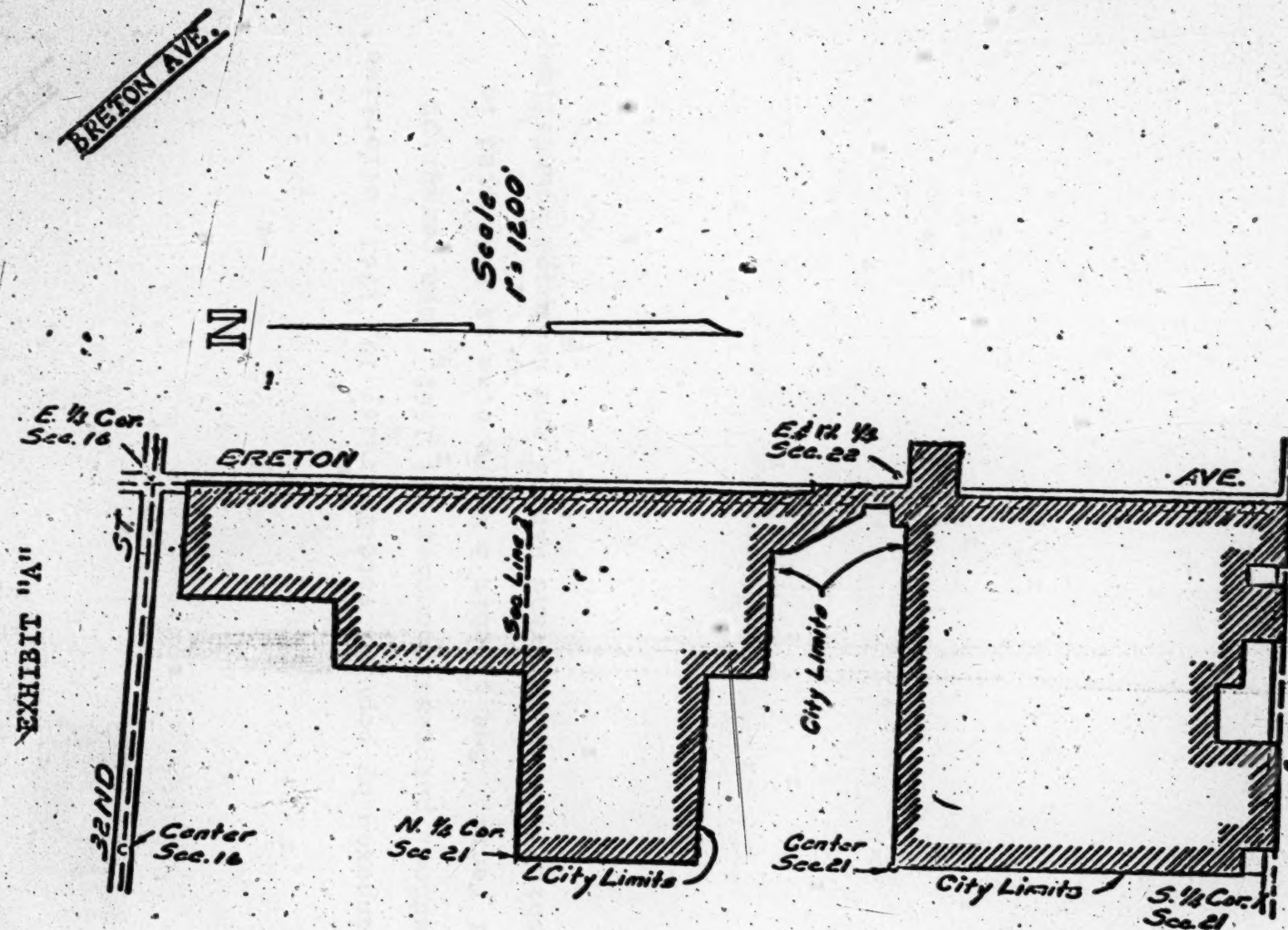
IN WITNESS WHEREOF, We have hereunto set our hands and caused to be affixed the seal of the Circuit Court for the County of Kent this 21st day of February in the year one thousand nine hundred two.

/s/ William Rupp Board of  
/s/ Theodore H. Williams Election  
/s/ Mrs. Phyllis J. Harder Canvassers

ATTEST:

/s/ Jack Breckman  
Clerk of Circuit Court



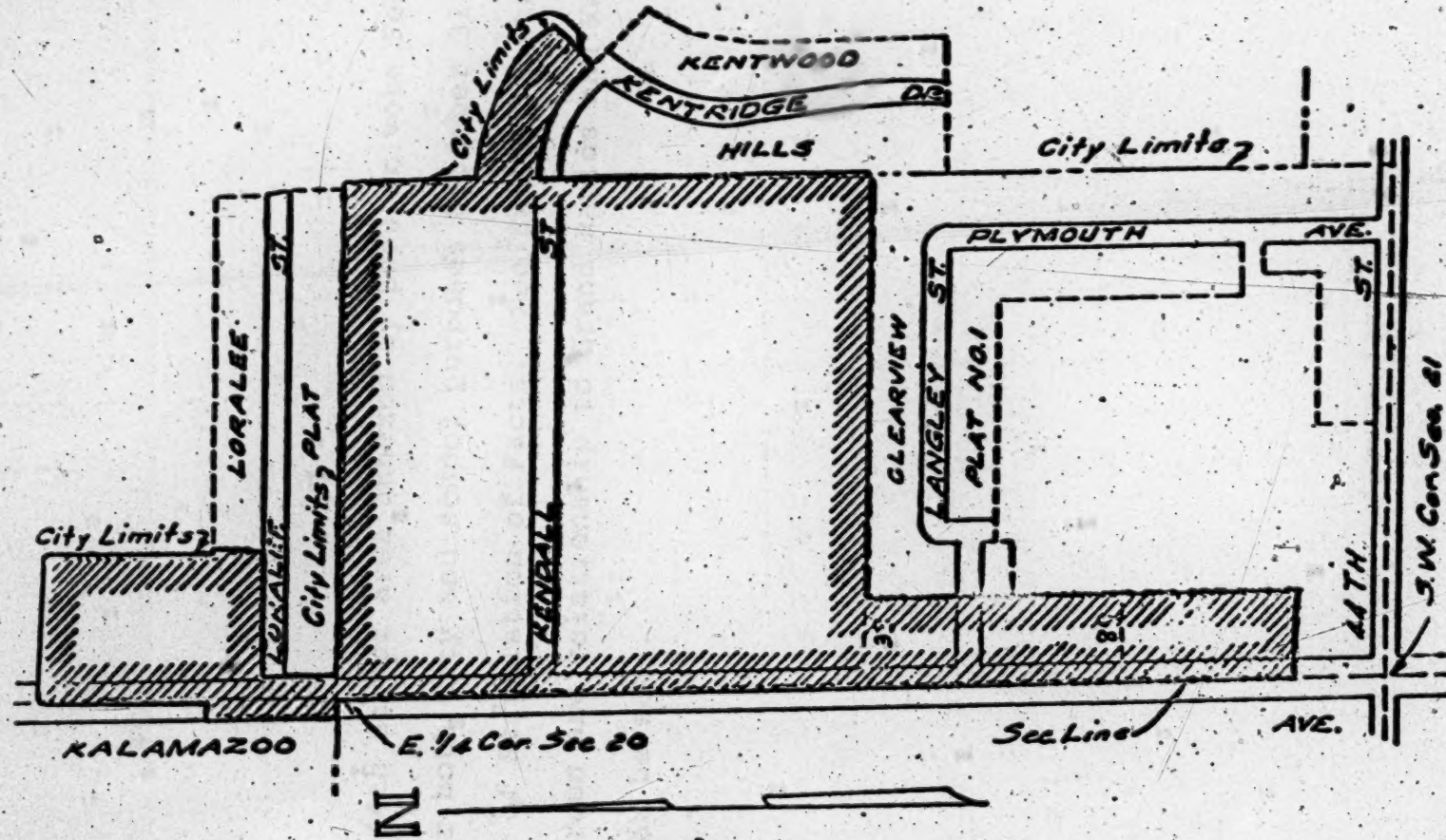


Breton Avenue area annexed by popular vote February 19, 1962, effective for both city and school purposes December 31, 1962. See paragraph 9 of Stipulation of Facts. See Exhibit 5, where area is indicated in red and relationship of area to Grand Rapids and Kentwood boundaries can be seen.



EXHIBIT "A"

KENDALL

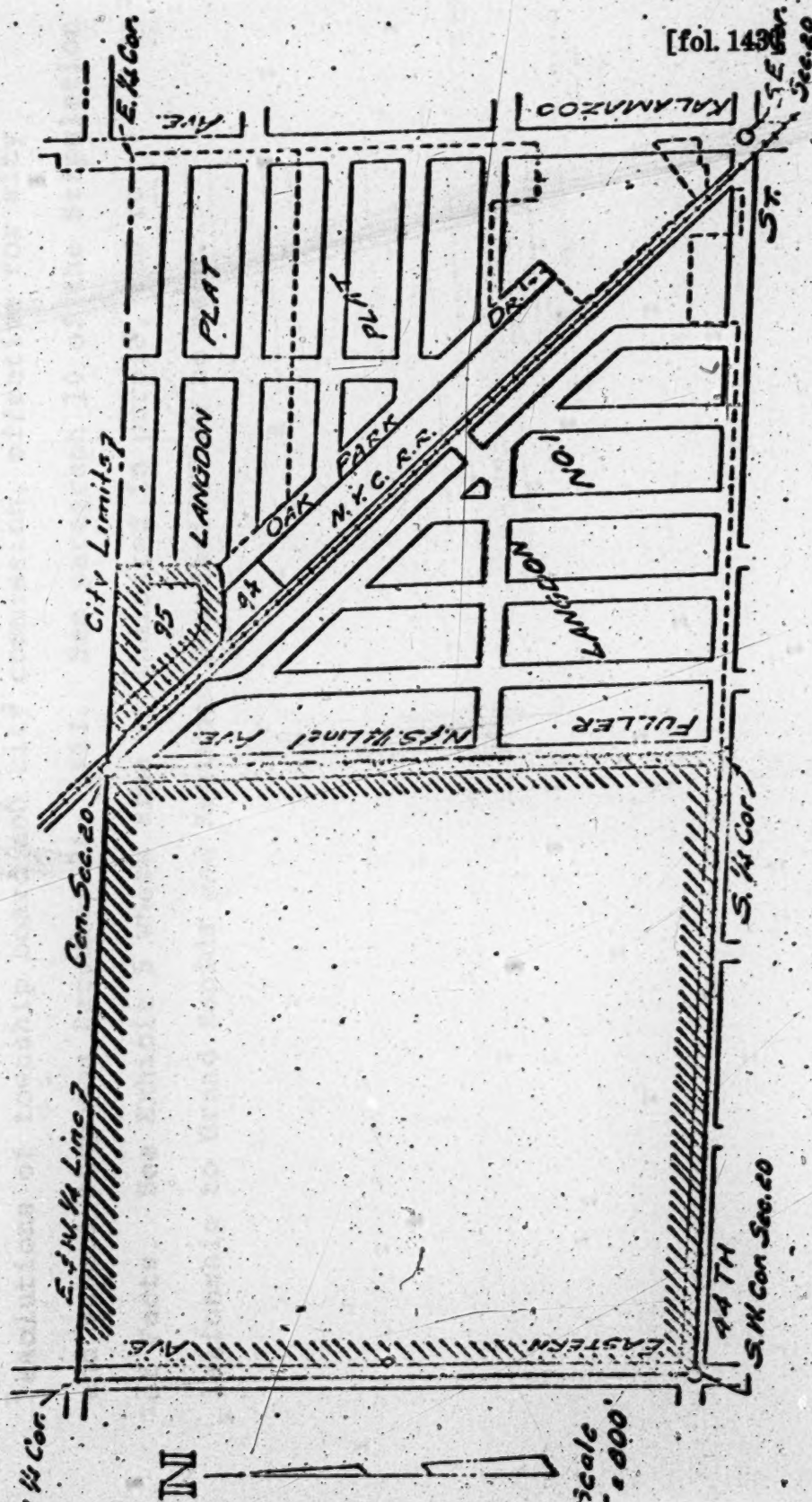


Kendall area annexed by popular vote February 19, 1962, effective for both city and school purposes December 31, 1962. See paragraph 9 of Stipulation of Facts. See Exhibit 5 where area is indicated in blue, and relationship of area to Grand Rapids and Kentwood boundaries can be seen.



FULLER-44TH

EXHIBIT "A"  
MAP SHOWING AREA TO BE ANNEXED



Indicates area to be annexed.

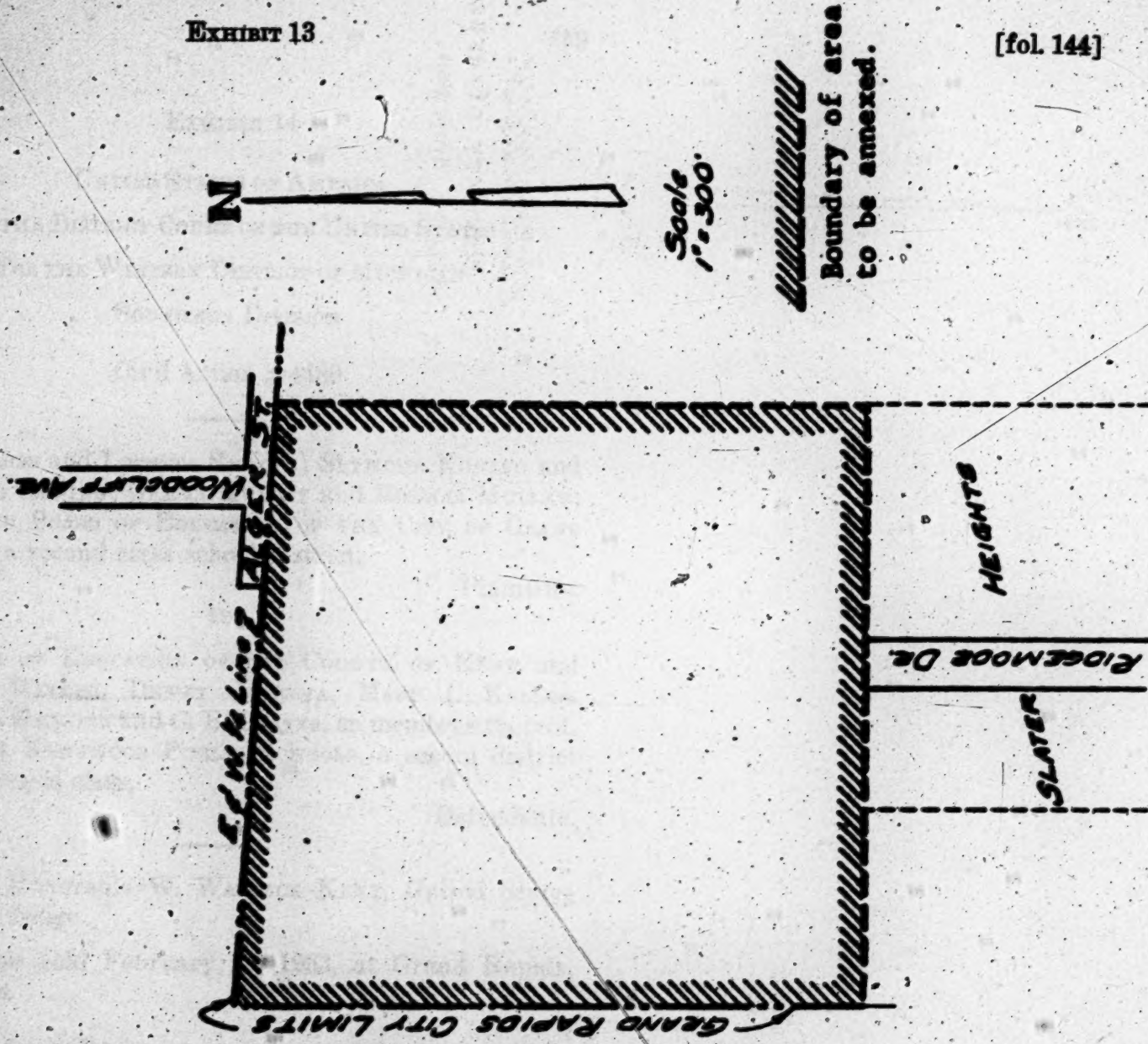
Fuller-44th Street area annexed by popular vote February 19, 1962, effective for both city and school purposes December 31, 1962. See paragraph 9, of Stipulation of Facts. See Exhibit 5 where area is indicated in green and relationship to Grand Rapids and Kentwood boundaries can be seen.



# PETITION TO ANNEX TO THE CITY OF GRAND RAPIDS CERTAIN TERRITORY DESCRIBED HEREIN

EXHIBIT 13

[fol. 144]



Alger Street area, uninhabited, and therefore annexed by joint resolutions of township board and city commission, effective for city and school purposes December 26, 1962. See paragraph 10 of the Stipulation of Facts. See Exhibit 5 where area is indicated in purple, and relationship to Grand Rapids and Kentwood boundaries can be seen.

[fol. 145]

**EXHIBIT 14**

**UNITED STATES OF AMERICA**  
**IN THE DISTRICT COURT OF THE UNITED STATES**  
**FOR THE WESTERN DISTRICT OF MICHIGAN**  
**SOUTHERN DIVISION**

**Civil Action #4480**

**JAMES SAILORS and LORETTA SAILORS; SEYMOUR KONING and  
MILDRED KONING; GRAZZI MULLAY and ROSALIE MULLAY;  
and THE BOARD OF EDUCATION OF THE CITY OF GRAND  
RAPIDS, a second class school district,**

**Plaintiffs,****VS.**

**THE BOARD OF EDUCATION OF THE COUNTY OF KENT and  
VICTOR WELLER, DEWEY JAARMA, MARY I. KEELER,  
RUSSELL EMMONS and C. B. LEAVER, as members thereof,  
and THE KENTWOOD PUBLIC SCHOOLS, a school district  
of the fourth class,**

**Defendants.**

**Before the Honorable W. WALLACE KENT, United States  
District Judge**

**At a Session held February 25, 1963, at Grand Rapids,  
Michigan**

**ORDER REVOKING AND SETTING ASIDE  
TEMPORARY RESTRAINING ORDER**

**This matter is before the Court on motion of defendants  
to revoke and set aside the temporary restraining order  
which was issued by order of this court on February 15,**



1963, and the Court, after hearing counsel for respective parties thereon and being fully advised in the premises, determined in its findings that the motion should be granted.

Therefore, It Is ORDERED that the temporary restraining order heretofore entered be and is hereby revoked and set aside, without prejudice to the right to renew.

Entered at 3:45 PM

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CERTIFIED AS A TRUE COPY:

HOWARD T. ZIEL, CLERK,

By /s/ HOWARD T. ZIEL  
CLERK

FEB 26 1963

[fol. 146]

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EXHIBIT 15

RESOLUTION ADOPTED BY THE KENT COUNTY  
BOARD OF EDUCATION AT A MEETING HELD  
ON FEBRUARY 25, 1963

WHEREAS: The Board of Education of Kentwood Public Schools has petitioned the Kent County Board of Education for transfer of four areas known as the Breton Avenue Area, Kendall, Fuller-44th St., and Alger Street Area, and described in said petition, from Grand Rapids Public Schools District to Kentwood Public Schools District, and

WHEREAS: The Kent County Board of Education held hearings on said petition on five evenings, namely, January 29, 30, and 31, and February 5 and 6, 1963, and

WHEREAS: The Kent County Board of Education has received and considered the testimony given at said hearings,

**NOW THEREFORE BE IT RESOLVED:**

That the Kent County Board of Education grant said petition, and

**BE IT FURTHER RESOLVED AND ORDERED:**

That the four areas known as the Breton Avenue Area, Kendall, Fuller-44th St., and Alger Street Area, described in said petition be detached from Grand Rapids Public Schools District and that said areas be attached to Kentwood Public Schools District, and

**BE IT FURTHER RESOLVED AND ORDERED:**

That said transfer shall be effective as of March 8, 1963, at 12:01 A.M., Eastern Standard Time.

The above resolution was moved by Member Dewey Jaarsma and seconded by Member Russell Emmons.

Ayes—Russell Emmons, Dewey Jaarsma, C. B. Leaver, Victor Weller

Nays—Mary Keeler

I certify that this is a true copy of said resolution.

/s/ E. J. KLEINERT

E. J. Kleinert, Secretary

Kent County Board of Education


Subscribed and sworn to  
before me a notary public  
this 26th day of February, 1963.

/s/ GRACE L. KNOL

Grace L. Knol

My commission expires September 15, 1963.

[fol. 147]

**EXHIBIT 16**(See opposite) 



Tabulation of population and voting power for county board members of four of the smaller school districts contrasted with plain-tiff school district is as follows:

Ashley (Gratton #6 fractional)  
 Boyd (Alpine #10)  
 Hoag (Solon #8)  
 Nelson Center (Nelson #6)  
 Grand Rapids (Grand Rapids #1)

<u>population</u>	<u>unit vote</u>	<u>population- variance ratio</u>
145	1	1391 to 1
191	1	1056 to 1
111	1	1818 to 1
99	1	2038 to 1
201,777	1	--

Scale: 1" equals \$100,000 in valuation.

<p>54.6% State Equalized Valuation \$636,758,000</p> <p>Plaintiff School District (Grand Rapids)</p> <p>Allowed 1 unit vote</p>	<p>45.4% \$529,165,800</p> <p>All other (39) school dis- tricts in Kent County</p> <p>Allowed 39 unit votes</p>	<p>51.5% Of State Equalized Valuation \$615,235,596</p> <p>Plaintiff School District</p> <p>Allowed 1 unit vote</p>	<p>48.5% Remaining 38 School Dis- tricts in Kent County</p> <p>Allowed 38 unit votes</p>
---	---	---	--

Total state equalized valuation  
of Kent County in 1963,  
\$1,165,923,800.

Total state equalized valuation  
for Kent County in 1964,  
\$1,193,579,600.

See paragraph 21b of Statement of Facts.



## 0-19 School Census -- KENT COUNTY

	1963	1964
Algona #1 fractional (Rockford)	4,625	4,637
Alpine #10	98	98
Byron #1 fractional	2,830	2,842
Caladonia	2,614	2,683
Courtland #1	158	163
" #3	86	113
" #5	105	115
" #6 fractional	61	66
East Grand Rapids	5,300	5,439
Grand Rapids #1	75,863	76,395
Grand Rapids #15 fractional (Forest Hills)	4,514	4,759
Gratton #1 fractional	370	377
" #5 fractional	178	194
" #6 fractional	82	82
Lowell #1 fractional	3,049	3,216
" #6	49	49
Nelson #3 fractional	106	93
" #5 fractional	2,156	2,169
" #6	55	58
" #7 fractional	49	52
Paris #6 fractional (Godwin)	5,652	5,668
" #8	181	202
" #12 fractional (Kentwood)	6,760	7,216
Plainfield #9 fractional (Comstock Park)	2,607	2,806
" #16 fractional (Northview)	4,211	4,404
Solon #8	65	57
Sparta	3,685	3,765
Spencer #1 fractional	82	94
" #2	31	32
Tyrone #4 fractional (Kent City)	1,610	1,592
" #8 fractional	258	231
Vergennes #1	35	31
" #4 fractional	92	88
Walker #1	34	35
" #11	1,014	1,014
" #16 fractional	3,468	3,468
Wyoming #1 (Grandville)	5,856	6,080
" #7	2,961	2,890
" #8 fractional (Kelloggsville)	4,457	4,584
" #11 (Wyoming Public)	12,508	12,610
	157,915	160,638



Scale: 1" equals 10% of the school census.

98.6% of the total school census in 19 school districts in Kent County in 1963

Entitled to 19 unit votes

20 school districts with 1.4% of the school census, 20 unit votes.

39 school districts in Kent County in 1964 with total school census of 160,638.

97.8% of the school census in 19 school districts in Kent County in 1963

Entitled to 19 unit votes

21 school districts with 2.2% of the school census, 21 unit votes.

40 school districts in Kent County in 1963 with total school census of 157,915.

See paragraph 21d of the Statement of Facts.

[fol. 151]

**EXHIBIT 20**

[Stamp—Received—6-20-63—R.D.A.]

**STATE OF MICHIGAN**  
**STATE BOARD OF EDUCATION**  
**Capitol, Lansing, Michigan**

**AMENDED ORDER**

**Dated this 5th day of June, 1963**  
**Lansing, Michigan**

**Present: Chris H. Magnusson, Cornelia A. Robinson,**  
**Frank Hartman, Lynn M. Bartlett, members of**  
**State Board of Education**

**This matter having come on for consideration before the State Board of Education for the State of Michigan, upon appeal of the Board of Education of the School District of the City of Grand Rapids, Michigan, James and Loretta Sailors, Séymour and Mildred Koenig, and Grazzi and Rosalie Mullan of the City of Grand Rapids, Michigan, from the action of the Kent County Board of Education, taken February 25, 1963, transferring certain territory from the City of Grand Rapids Public School District to the Kentwood Public School District, and notice thereon being given to the interested parties, and the State Board of Education having taken testimony of all persons called as witnesses by the parties thereto, and the argument of the attorneys for the interested parties having been made, and the State Board of Education having taken said appeal under consideration and having been fully advised in the premises,**

**IT IS ORDERED that the action of the Kent County Board of Education taken on February 25, 1963, transferring**



certain property from the School District of the City of Grand Rapids to the Kentwood Public School District, be and the same is hereby set aside.

It Is FURTHER ORDERED that the following property located in the City of Grand Rapids, County of Kent, State of Michigan, more particularly described as:

**PARCEL No. 1**

Part of Sections 16, 21, and 22 of Paris Township, Kent County, Michigan, described as: Beginning 250 feet south of the east  $\frac{1}{4}$  corner of *Section 16*, thence south on the east line of Section 16 and Section 21, to the North line of Maple Valley Gardens, a recorded Plat, thence east 50 feet to the east line of Breton Avenue, thence south to the east and west  $\frac{1}{4}$  line of *Section 23*, thence east 263 feet, thence south 288.71 feet, thence northwesterly 98.4 feet to a point which is 270 feet south and 217.23 feet east of the west  $\frac{1}{4}$  corner of Section 22, thence west 217.23 feet to the west line of Section 22, thence south to the SE corner of *Section 21*, thence west 426 feet, thence north 264 feet, thence west 165 feet, thence south 264 feet to the south line of Section 21, thence west to a point which is 330 feet east of the SW corner of the east  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of Section 21, thence north 264 feet, thence west 330 feet to the west line of the east  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of Section 21, thence north 171.6 feet, thence west 400 feet, thence south 435.6 feet to the south line of section 21, thence west to a point which is 165 feet east of the south  $\frac{1}{4}$  corner of Section 21, thence north 200 feet, thence west 165 feet to the north and south  $\frac{1}{4}$  line of Section 21, thence north to the center of Section 21, thence east to a point 200 feet west of the east  $\frac{1}{4}$  corner of Section 21, thence north 100 feet, thence east to a point on the east line of the section 100 feet north of the east  $\frac{1}{4}$  corner, thence north to a point 330.29 feet north of the east  $\frac{1}{4}$  corner, thence N  $87^{\circ} 43' W$  165



feet, thence northwesterly 526.9 feet to a point N  $87^{\circ} 43'$  W 400 feet from a point on the east section line which is 792.29 feet north of the east  $\frac{1}{4}$  corner, thence north 132 feet, thence west to a point on the east  $\frac{1}{8}$  line of section 21 which is 132 feet south of the NW [fol. 152] corner of the south  $\frac{4}{5}$  of the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 21, thence north on the east  $\frac{1}{8}$  line to the north line of the south  $\frac{1}{2}$  of the NE  $\frac{1}{4}$ , thence west to the north and south  $\frac{1}{4}$  line, thence north to the north  $\frac{1}{4}$  corner of Section 21, thence east on the south line of Section 16 to the SW corner of the SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 16, thence north to the NW corner of the SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 16, thence east to a point which is 825 feet west of the east line of Section 16, thence north parallel with the section line to a point which is 250 feet south of the east and west  $\frac{1}{4}$  line of Section 16, thence east 825 feet to place of beginning.

Except: (James R. Sailors) Part SE  $\frac{1}{4}$  of NE  $\frac{1}{4}$  Com. 264.06 ft. S along E Sec. Line from N  $\frac{1}{2}$  Line Th N. 264.06 ft to N  $\frac{1}{8}$  line Th W. along N  $\frac{1}{8}$  line to E  $\frac{1}{8}$  line. Th. S. along E  $\frac{1}{8}$  line 264.31 ft. Th E to a pt 700 ft W of E. Sec. Line. Th. S 69 ft Th E 200 ft. Th N. 69 ft. Th. E 500 ft to Beg. Sec. 21, T6 N, R 11 W, 8.32 A.

(Seymour Koning) Part SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  Com. on E. Sec. Line 264.06 ft. S of N  $\frac{1}{8}$  Line Th. S. 132 ft. Th. W to a pt 396.31 ft. S. along E  $\frac{1}{8}$  line from N  $\frac{1}{8}$  line. Th. N. 132 ft. Th. E to a pt 700 ft W of E. Sec. Line. Th. S. 69 ft. Th. E 200 ft. Th. N. 69 ft. Th. E 500 ft. To Beg. Sec. 21 T 6 N, R 11 W. 3.68 A.

#### PARCEL No. 2

Part of Sections 20 and 21 of Paris Township, Kent County, Michigan, described as: Beginning at the east  $\frac{1}{4}$  corner of Section 20, thence west 50 feet to the west

line of Kalamazoo Avenue, thence north 330 feet, thence east 50 feet to the east line of Section 20 (west line of Section 21), thence north to a point which is 754 feet north of the west  $\frac{1}{4}$  corner of Section 21, thence east 375 feet, thence south parallel with the section line 424 feet to the north line of the south  $\frac{1}{8}$  of the NW  $\frac{1}{4}$  of Section 21, thence east 5 feet, thence south 135 feet, thence west 330 feet along the north line of Loralee Street to the east line of Kalamazoo Avenue, thence south 194.92 feet to the SW corner of Lot 12 of Loralee Plat, thence east on the east and west  $\frac{1}{4}$  line of Section 21 to the NW corner of the east  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of the section, thence south to the NW corner of Lot 1 of Kentwood Hills, a recorded Plat, thence southeasterly along the northerly line of Lots 1, 2, 3, and 4 to the northeasterly corner of Lot 4 of Kentwood Hills, thence southwesterly 113.4 feet to the southeasterly corner of Lot 4, thence northwesterly along the southerly line of Lots 4, 3, 2 and 1 to the SW corner of Lot 1, thence south on the west  $\frac{1}{8}$  line to the NE corner of Clearview Plat No. 1, thence west along the north line of said Plat to the NE corner of Lot 33, thence south to the SE corner of Lot 89, thence continuing south parallel with the west line of the Section to a point 225.7 feet north of the south line of Section 21, thence west 210 feet to the west line of the Section (center line of Kalamazoo Avenue), thence north to beginning.

Except: Lot #16, Munshaw Plot (Grazzi and Rosalie Mullay); Lots #17 and 18, Munshaw Plot No. 1 (Louisa M. Scalice and Dorothy Biermacker).

### PARCEL No. 3

Part of Section 20 of Paris Township, Kent County, Michigan Described as: Beginning at the center of Section 20, thence east 830 feet more or less to the NE corner of Lot 95 of Langdon Plat No. 1 (being

also the NW corner of Langdon Plat), thence south 425.2 feet along the west line of Langdon Plat to its intersection with the northeasterly line of Oak Park Drive, thence southwesterly 60 feet more or less to the corner of Lot 94 of Langdon Plat No. 1 which is 212.37 feet east of the NW corner of said lot, thence west 212.37 feet to the NW corner of said Lot 94, thence northwesterly along the northerly line of the NYC RR right of way to a point which is 50 feet south of the east and west  $\frac{1}{4}$  line of Section 20, thence west to the north and south  $\frac{1}{4}$  line of Section 20, thence south to the south  $\frac{1}{4}$  corner of Section 20, thence west to the SW corner of Section 20, thence north to the west  $\frac{1}{4}$  corner of Section 20, thence east to beginning.

[fol. 153] PARCEL No. 4.

Part of the SE  $\frac{1}{4}$  of Section 10, T6N, R 11 W, Paris Township, Kent County, Michigan, described as: Beginning at the NW corner of Slater Heights, a recorded Plat, thence west 348.79 feet more or less to the west line of the east 762.8 feet of the west  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of Section 10 (Grand Rapids City Limits), thence north to the east and west  $\frac{1}{4}$  line, thence east 1042.79 feet, thence south to the NE corner of Slater Heights, thence west to beginning,

be and the same is hereby transferred from the School District of the City of Grand Rapids to the Kentwood Public School District.

IT IS FURTHER ORDERED that the Kentwood Public School District make no equitable payment to the School District of the City of Grand Rapids for the Alexander Hamilton School and the real property connected therewith which is ordered transferred from the School District of the City of Grand Rapids to the Kentwood Public School District,



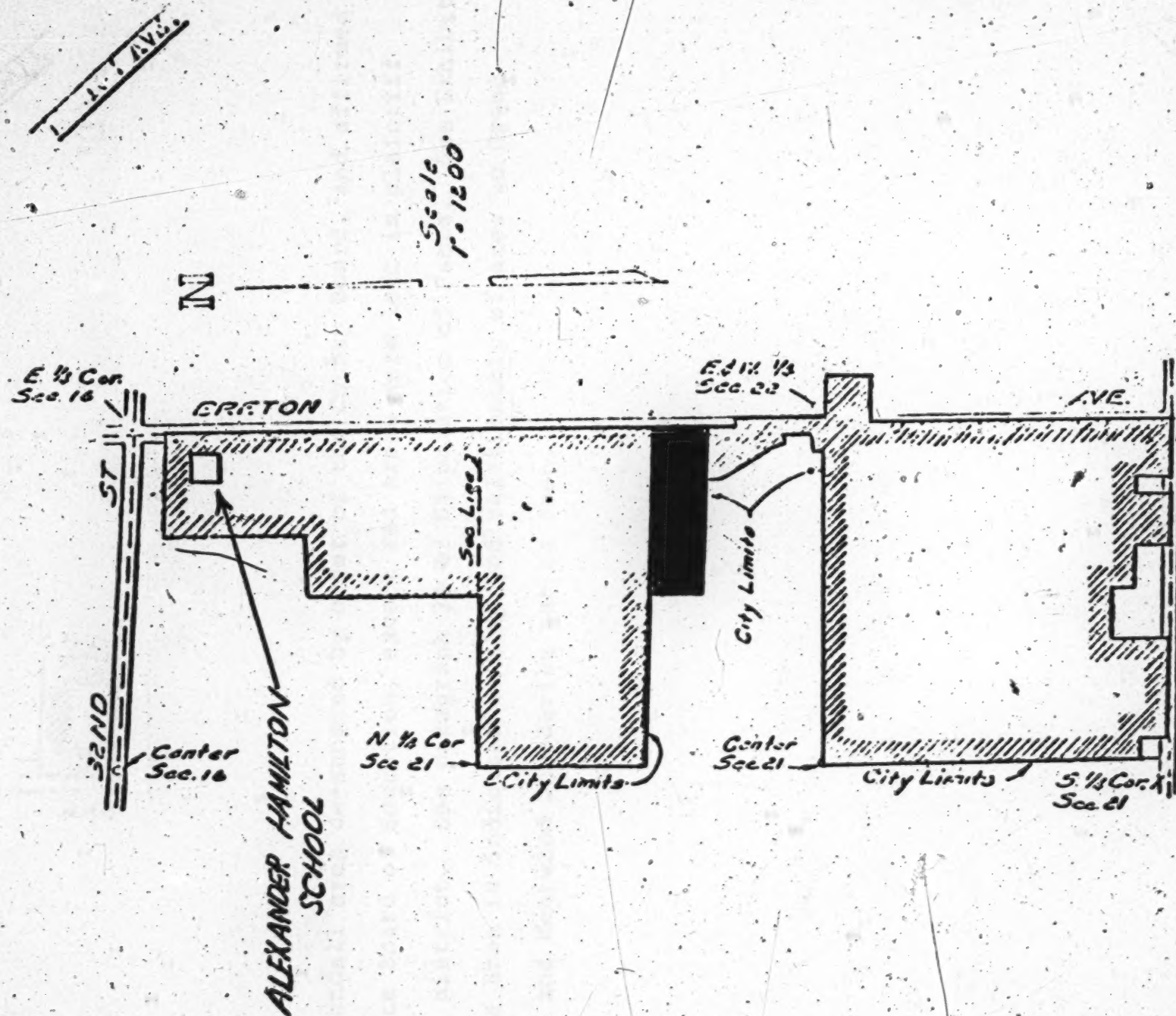
in that the State Board of Education finds that the afore-said school building and real property ceased to be the property of Kentwood Public School District and became a part of the School District of the City of Grand Rapids on December 31, 1962, in accordance with the provisions of Sec. 143 of the School Code of 1955, prior to its amendment by Act 177, P.A. 1962 and no equitable payment for said school and real property having been made to the Kentwood Public School District by the School District of the City of Grand Rapids, in accordance with Sec. 146 of the School Code of 1955, prior to amendment by Act 177, P.A. 1962.

CHRIS H. MAGNUSSON  
 CORNELIA A. ROBINSON  
 FRANK HARTMAN  
 LYNN M. BARTLETT

June 18, 1963

I hereby certify that I have compared the above Order with the original on file in the office of the State Board of Education and that it is a true copy thereof.

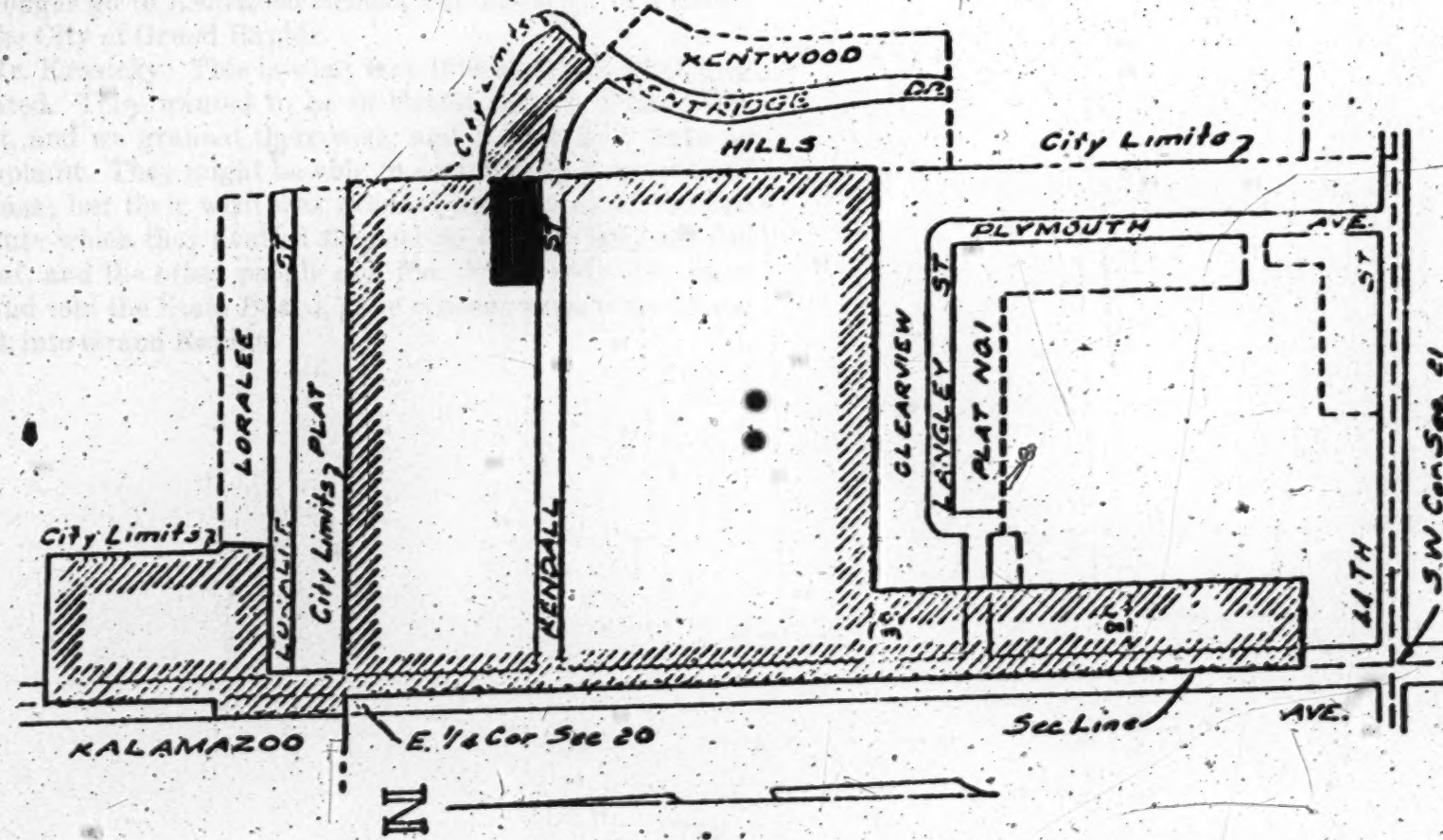
/s/ LYNN M. BARTLETT  
 Lynn M. Bartlett, Secretary  
 State Board of Education



Breton Avenue area de-annexed by order of the County Board and affirmed by the State Board of Education except red areas were left in plaintiff school district. See paragraph 24 of Stipulation of Facts. See Exhibit 5 where area is indicated in red and relationship of area to Grand Rapids and Kentwood boundaries can be seen.



**KENDALL**



Scale  
1" = 500'

Kendall area de-annexed by order of the County Board, and affirmed by State Board of Education, except red areas were left in plaintiff school district. See paragraph 24 of Stipulation of Facts. See Exhibit 5 where area is indicated in blue and relationship of area to Grand and Kentwood boundaries can be seen.



[fol. 156]

## EXHIBIT 23

Judge Fox: Well, Sailors, for example. By reason of cutting their property out of the Kentwood School District and transferring Kentwood School District back to Kentwood, the Sailors' property and the Sailors' children would no longer go to Kentwood School, but would go to a school in the City of Grand Rapids.

Mr. Krasicky: This is what they told us this is what they wanted. They wanted to be in Grand Rapids School District, and we granted their wish, and I think they have no complaint. They might be able to complain as a member of a class; but their wish was granted under a constitutional statute which they availed themselves of, and they got full relief, and the other people did, too. Everybody that came in and told the State Board, gave reasons why, were placed back into Grand Rapids.

## Intermediate School

		1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	Budget for 1964
Allegan	(1)	9	12	11	10	9	8	11	11	9	1	[A] \$22,375.00
	(2)	0	0	0	0	0	0	0	0	0	0	[B] Yes
	(3)	0	0	0	0	0	7	3	1	1	1	[C] 3/4 voted
Alpena	(1)	0	0	0	0	0	0	0	0	0	0	[A] \$45,976.76
Annexed Montmorency	(2)	0	0	0	0	0	0	0	0	1	0	[B] Yes
1-20-64 and Alpena 6-8-64	(3)	0	0	0	0	0	0	0	0	1	0	[C] 0
Alcona	(1)	0	0	0	0	0	0	0	0	0	0	[A] \$ 5,580.00
	(2)	0	0	0	0	0	0	0	0	0	0	[B] No
	(3)	0	0	0	0	0	0	0	1	0	0	[C] 0
Montmorency	(1)	0	0	0	0	0	0	0	0	0	0	[A] \$ 6,906.61 (63)
	(2)	0	0	1	0	0	0	0	0	0	0	[B] Yes
	(3)	0	0	0	0	0	0	0	0	0	0	[C] 0
Anttrim	(1)	1	0	2	2	0	0	1	2	1	0	[A] \$ 7,865.88
	(2)	0	0	0	0	0	0	0	0	0	0	[B] No
	(3)	0	0	0	0	0	0	1	1	1	0	[C] 0
Barry	(1)	3	7	4	2	3	1	3	5	0	0	[A] \$30,900.00
	(2)	0	0	0	0	0	0	0	0	0	0	[B] Yes
	(3)	0	1	2	0	2	2	0	2	3	1	[C] 1/2 voted
Bay	(1)	0	3	4	4	3	3	3	3	4	1	[A] \$52,800.00
Bay annexed Arenac	(2)	0	0	0	0	0	2	0	0	0	1	[B] Yes
6-10-63	(3)	0	0	0	0	0	0	0	0	0	0	[C] 1/2 voted

(1) Transfers granted  
 (2) Transfers modified  
 (3) Transfers denied

(A) Intermediate District Budget  
 (B) Special Education Program  
 (C) Mills voted Tax for Special Education



Intermediate School District		1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	Budget for 1964
Arenac	[1]	0	9	4	7	3	3	2	0			[A]
	[2]	0	0	0	0	0	0	0	0			[B]
	[3]	0	0	1	2	0	1	0	0			[C]
Benzie	[1]	0	8	2	0	0	0	0	0	0	0	[A] \$16,257.00
	[2]	0	0	0	0	0	0	0	0	0	0	[B] Yes
	[3]	0	2	1	2	0	0	0	0	1	0	[C] 0
Berrien	[1]	0	2	1	5	3	4	2	0	1	4	[A] \$76,610.00
	[2]	0	0	0	0	0	0	0	0	0	0	[B] Yes
	[3]	0	6	10	0	1	2	4	0	1	1	[C] 0
Branch	[1]	1	4	0	0	1	3	0	2	7	0	[A] \$21,580.00
	[2]	0	0	0	0	0	1	0	0	0	0	[B] Yes
	[3]	2	1	1	0	0	2	0	1	0	2	[C] 1 voted
Calhoun	[1]	1	5	6	6	5	2	4	2	3	0	[A] \$56,750.00
	[2]	0	1	0	0	0	0	0	0	0	0	[B] Yes
	[3]	1	2	1	2	1	3	2	1	0	0	[C] 1/2 voted
Cass	[1]	1	2	8	7	11	4	3	8	7	3	[A] \$25,265.00
	[2]	0	0	0	0	1	1	1	0	2	1	[B] Yes
	[3]	0	0	2	10	19	22	29	17	12	0	[C] 1/2 voted
Charlevoix-Emmet Consolidated 7/31/63	[1]									0		[A] \$24,628.92
	[2]									0		[B] No (X)
	[3]									0		[C] 0

[1] Transfers granted  
 [2] Transfer modified  
 [3] Transfers denied

[A] Intermediate District Budget  
 [B] Special Education Program  
 [C] Mills Voted Tax for Special Education  
 (X) Voted special education program since date of report



Intermediate School District		1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	Budget for 1964
Charlevoix	[1]	1	1	3	5	1	1	2	1	2		[A]
	[2]	0	0	0	0	0	0	0	0	0		[B]
	[3]	0	1	0	0	0	0	1	1	0		[C]
Emmet	[1]	1	0	0	1	0	0	0	0	0		[A]
	[2]	0	0	0	0	0	0	1	0	0		[B]
	[3]	0	0	0	0	0	0	0	1	0		[C]
Cheboygan Cheboygan annexed Otsego & Presque Isle 6-10-63	[1]	1	1	0	0	0	0	2	1	4	0	[A] \$20,000.75
	[2]	0	0	0	0	0	0	0	0	0	0	[B] No
	[3]	1	0	0	1	0	0	0	0	0	0	[C] 0
Otsego	[1]	2	2	9	5	4	3	2	0	0		[A]
	[2]	0	0	0	0	0	0	0	0	0		[B]
	[3]	0	0	0	5	0	0	0	0	0		[C]
Presque Isle	[1]	0	0	1	0	0	0	1	0	0		[A]
	[2]	0	0	0	0	0	0	0	0	0		[B]
	[3]	0	0	1	0	0	0	0	0	1		[C]
Chippewa Chippewa annexed Luce 6-8-64	[1]	0	0	0	0	1	0	1	0	0		[A] \$12,975.00
	[2]	0	0	0	0	0	0	0	0	0		[B] No
	[3]	0	0	0	0	0	0	0	0	0		[C] 0
Luce	[1]	0	0	0	0	0	0	0	0	0		[A]
	[2]	0	0	0	0	0	0	0	0	0		[B]
	[3]	0	0	0	0	0	0	0	0	0		[C]

[1] Transfers granted  
 [2] Transfers modified  
 [3] Transfers denied

[A] Intermediate District Budget  
 [B] Special Education Program  
 [C] Mills voted Tax for Special Education



District		1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	Budget for 1964	
Wash.	(1)									1	0	(A)	\$ 17,345.00
	(2)	1								0	0	(B)	Yes
	(3)	0	2	2	1	0	0	0	0	0	0	(C)	1 voted
Clinton	(1)	12	14	16	21	17	15	22	13	15	10	(A)	\$ 21,400.00
	(2)	0	0	0	0	0	0	0	0	0	0	(B)	Yes
	(3)	0	0	0	0	0	0	0	1	0	0	(C)	3/4 voted
Bra. rd.	(1)	0	1	2	0	0	0	1	0	1	0	(A)	\$ 4,317.00
	(2)	0	0	0	0	0	0	0	0	0	0	(B)	No
	(3)	0	0	0	0	0	0	0	0	0	0	(C)	0
Mills Unmanned Schoolhouse 5/10/64	(1)	0	0	0	0	1	3	0	0	0	0	(A)	\$ 14,050.00
	(2)	0	0	0	0	0	0	0	0	0	0	(B)	No
	(3)	0	0	0	0	0	2	0	0	0	0	(C)	0
Schoolcraft	(1)	0	0	0	0	0	0	0	0	0	0	(A)	\$ 7,957.32
	(2)	0	0	0	0	1	0	0	0	0	0	(B)	
	(3)	0	0	0	0	0	0	0	0	0	0	(C)	
Hickinson	(1)	0	0	0	0	0	0	0	0	1	0	(A)	\$ 15,184.00
	(2)	0	0	0	0	0	0	0	0	0	0	(B)	No
	(3)	0	0	0	0	0	0	0	0	0	0	(C)	0
Linton	(1)	24	22	20	42	58	11	12	17	15	11	(A)	\$ 26,550.00
	(2)	0	0	0	0	0	0	0	0	0	0	(B)	Yes
	(3)	0	1	1	20	10	2	2	7	12	4	(C)	1 voted

- (1) Transfers granted  
 (2) Transfers modified  
 (3) Transfers denied

- (A) Intermediate District Budget  
 (B) Special Education Program  
 (C) Mills Voted Tax for Special Education



Intermediate School District		1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	Budget for 1964
Geneseo	(1)	10	4	9	5	1	2	0	6	4	0	(A) \$215,192.00
	(2)	0	0	1	0	0	1	0	0	0	0	(B) Yes
	(3)	0	0	1	4	6	1	0	2	0	0	(C) 1/2 voted
Gladwin	(1)	1	2	1	2	1	0	1	0	0	0	(A) \$ 8,675.00
	(2)	0	0	0	0	0	0	0	0	0	0	(B) Yes
	(3)	2	2	4	0	2	1	0	0	0	0	(C) 1 voted
Gogebic	(1)	0	0	0	0	0	0	0	0	0	0	(A) \$ 6,500.00
	(2)	0	0	0	0	0	0	0	0	0	0	(B) No
	(3)	0	0	0	0	0	0	0	0	0	0	(C) 0
Grand Traverse- Grand Traverse annexed Kalkaska 8-16-63	(1)	2	5	7	5	3	3	2	1	2	0	(A) \$ 10,903.39
	(2)	0	0	0	0	0	1	1	2	0	0	(B) Yes
	(3)	0	4	1	5	3	1	0	0	1	0	(C) 0
Kalkaska	(1)	0	1	1	2	1	1	0	1	0		(A)
	(2)	0	0	0	0	0	0	0	0	0		(B)
	(3)	0	0	1	0	0	0	0	0	0		(C)
Gratiot	(1)	1	5	4	5	3	4	10	15	19	3	(A) \$ 18,391.57
	(2)	1	1	0	0	0	0	0	0	3	0	(B) Yes
	(3)	0	1	4	2	1	0	2	6	9	3	(C) 3/4 vote
Hilledale	(1)	8	4	5	1	2	4	2	2	1	0	(A) \$ 17,800.00
	(2)	1	0	0	0	0	0	0	0	0	0	(B) Yes
	(3)	0	2	1	1	0	1	0	0	0	0	(C) 7/10 voted

(1) Transfers granted  
 (2) Transfers modified  
 (3) Transfers denied

(A) Intermediate District Budget  
 (B) Special Education Program  
 (C) Mills voted Tax for Special Education



Intermediate School District		1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	Budget for 1964
Houghton	(1)	0	0	1	0	0	0	0	1	0	1	(A) \$27,000.00
Houghton annexed Baraga	(2)	0	0	0	0	0	0	1	0	0	0	(B) Yes
6-8-64	(3)	0	0	0	0	0	0	0	0	0	0	(C) 1 Voted
Baraga	(1)	0	0	0	0	0	0	0	0	0		(A)
	(2)	0	0	0	0	0	0	0	0	0		(B)
	(3)	0	0	0	0	0	0	0	0	0		(C)
Buron	(1)	8	7	6	11	8	8	11	8	7	1	(A) \$100,918.69
	(2)	1	0	1	0	0	1	0	4	0	0	(B) Yes
	(3)	1	1	0	7	3	4	4	4	4	4	(C) 1/2 Voted
Ingham	(1)	7	4	5	6	2	6	8	12	5	3	(A) \$ 54,000.00
	(2)	1	0	1	3	0	0	0	0	0	0	(B) Yes
	(3)	1	1	0	3	0	1	0	0	0	0	(C) 3/4 Voted
Ionia	(1)	4	43	25	21	37	6	28	-18	6	0	(A) \$ 36,325.00
	(2)	0	1	0	1	1	0	0	1	2	0	(B) Yes
	(3)	0	11	6	0	8	2	10	8	1	0	(C) 1/2 Voted
Iosco	(1)	0	1	2	0	0	0	1	0	0	0	(A) \$ 18,000.00
	(2)	0	0	0	0	0	0	0	0	0	0	(B) No
	(3)	0	0	2	1	3	0	1	0	0	0	(C) 0
Iron	(1)	0	0	0	0	0	0	0	0	0	0	(A) \$ 40,001.00
	(2)	0	0	0	0	0	0	0	0	0	0	(B) No
	(3)	0	0	0	0	0	0	0	0	0	0	(C) 0

(1) Transfers granted  
 (2) Transfers modified  
 (3) Transfers denied

(A) Intermediate District Budget  
 (B) Special Education Program  
 (C) Mills Voted Tax for Special Education



Intermediate School District		1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	Budget for 1964
Isabella	(1)	1	4	5	3	3	3	5	2	1	0	(A) \$ 11,422.26
	(2)	0	0	0	0	0	0	1	1	0	0	(B) Yes
	(3)	0	0	0	1	2	0	0	0	3	0	(C) 3/4 voted
Jackson	(1)	6	6	6	6	5	6	2	9	3	0	(A) \$ 72,105.72
	(2)	0	0	0	0	0	0	0	1	0	0	(B) Yes
	(3)	1	0	2	3	2	4	2	7	0	0	(C) 1/2 voted
Kalamazoo Valley	(1)	0	5	1	1	3	0	2	0	4	0	(A) \$109,204.50
	(2)	0	0	1	0	0	0	0	0	0	0	(B) Yes
	(3)	1	2	3	2	0	1	1	1	1	0	(C) 4/5 voted
Kent	(1)	9	19	25	21	16	18	21	43	23	6	(A) \$116,366.00
	(2)	0	0	0	2	0	0	0	0	0	0	(B) Yes
	(3)	1	1	3	0	5	16	20	8	1	3	(C) 1/2 voted
Keweenaw	(1)	0	0	0	0	0	0	1	0	0	0	(A) \$ 4,682.39
	(2)	0	0	0	0	0	0	0	0	0	0	(B) No
	(3)	0	0	0	0	0	0	0	0	0	0	(C) 0
Lake	(1)	1	3	1	1	0	0	1	0	0	0	(A) \$ 9,225.00
	(2)	0	0	0	0	0	0	0	0	0	0	(B) Yes
	(3)	1	2	0	0	1	2	0	0	0	1	(C) 3/4 voted
Lapeer	(1)	21	120	77	49	3	16	3	3	0	2	(A) \$ 84,620.00
	(2)	0	0	0	0	0	0	0	0	0	0	(B) Yes
	(3)	21	16	46	32	36	11	3	7	7	0	(C) 1/2 voted

(1) Transfers granted  
 (2) Transfers modified  
 (3) Transfers denied

(A) Intermediate District Budget  
 (B) Special Education Program  
 (C) Mills voted Tax for Special Education



Intermediate School District		1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	Budgets for 1964
Leelanau	[1]	0	0	0	0	0	0	0	0	0	0	[A] \$ 7,036.00
	[2]	0	0	0	0	0	0	0	0	0	0	[B] No
	[3]	0	0	0	0	0	0	0	0	0	0	[C] 0
Lenawee	[1]	141	53	2	4	5	7	10	1	24	1	[A] \$ 43,000.00
	[2]	0	0	0	0	0	0	0	0	0	0	[B] Yes
	[3]	6	17	0	2	1	4	1	2	30	2	[C] 1/2 Voted
Livingston	[1]	5	3	6	14	3	2	0	3	1	1	[A] \$ 19,570.00
	[2]	0	0	0	0	0	0	0	0	0	0	[B] Yes
	[3]	0	3	4	3	2	1	2	1	0	0	[C] 3/4 Voted
MacKinnac	[1]	0	0	0	0	0	0	0	0	0	0	[A] \$ 10,200.00
	[2]	0	0	0	0	0	0	0	0	0	0	[B] No
	[3]	0	0	0	0	0	0	0	0	0	0	[C] 0
Macomb	[1]	5	2	1	3	2	3	0	2	0	2	[A] \$ 117,300.00
	[2]	0	0	0	0	0	0	0	0	0	0	[B] Yes
	[3]	1	0	0	1	6	0	0	0	0	2	[C] 1/2 Voted
Manistee	[1]	1	40	2	13	4	23	0	30	0	0	[A] \$ 34,133.06
	[2]	0	0	0	0	0	0	0	0	0	0	[B] Yes
	[3]	0	0	0	0	3	5	1	5	1	0	[C] 1/2 Voted
Marquette Marquette annexed Alger 6-10-63	[1]	1	0	0	1	1	3	1	0	0	0	[A] \$ 29,575.00
	[2]	0	0	0	0	0	0	0	0	0	0	[B] Yes
	[3]	0	0	0	0	0	0	0	0	0	0	[C] 0

[1] Transfers granted  
 [2] Transfers modified  
 [3] Transfers denied

[A] Intermediate District Budget  
 [B] Special Education Program  
 [C] Mills Voted Tax for Special Education



Intermediate School  
DistrictBudgets for  
1964

1955 1956 1957 1958 1959 1960 1961 1962 1963 1964

## Alger

[1]	0	0	0	0	0	0	0	0	0	[A]	\$
[2]	0	0	0	0	0	0	0	0	0	[B]	
[3]	0	0	0	0	0	0	0	0	0	[C]	

## Hason

[1]	4	19	44	8	5	1	11	8	1	2	[A]	\$ 17,350.00
[2]	0	0	0	0	0	0	1	0	0	0	[B]	Yes
[3]	0	0	0	0	0	1	0	5	0	1	[C]	3/4 Voted

Hacosta  
Hacosta annexed  
Osceola 6-8-64

[1]	1	2	5	2	1	0	5	4	1	3	[A]	\$ 8,128.00
[2]	0	0	0	0	0	0	0	0	0	0	[B]	Yes
[3]	0	0	2	2	4	1	0	0	1	0	[C]	1/2 Voted

## Osceola

[1]	0	5	14	11	6	6	2	3	3		[A]	\$ 12,225.00
[2]	1	0	2	3	0	1	0	0	0		[B]	Yes
[3]	2	2	2	3	2	1	0	1	0		[C]	0

## Wanoiness

[1]	0	0	0	0	1	1	0	0	0	0	[A]	\$ 1,452.00
[2]	0	0	0	0	0	0	0	0	0	0	[B]	No
[3]	0	0	0	0	0	2	0	0	0	0	[C]	0

## Midland

[1]	0	3	3	1	1	0	4	4	1	4	[A]	\$ 45,320.00
[2]	0	0	0	0	0	0	0	0	0	0	[B]	No
[3]	2	3	5	2	0	2	5	1	3	1	[C]	0

## Monroe

[1]	5	6	1	7	0	0	2	5	2	0	[A]	\$ 56,950.00
[2]	0	0	1	0	0	0	0	0	0	0	[B]	Yes
[3]	2	2	1	7	1	0	1	2	1	1	[C]	1/2 Voted

[1] Transfers granted  
[2] Transfers modified  
[3] Transfers denied

[A] Intermediate District Budget  
[B] Special Education Program  
[C] Mills Voted Tax for Special Education.



Intermediate School District		1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	Budgets for 1964
Montcalm	[1]	7	15	16	8	6	3	0	16	13	2	[A] \$ 33,402.00
	[2]	0	0	0	0	0	0	0	0	0	0	[B] Yes
	[3]	3	0	6	0	6	3	1	2	2	0	[C] 1/2 Voted
Huskegon	[1]	1	0	3	1	4	6	6	0	3	2	[A] \$ 87,649.00
	[2]	0	0	0	0	0	1	1	0	0	0	[B] Yes
	[3]	1	1	1	0	4	2	2	0	1	0	[C] 1/2 Voted
Newaygo	[1]	1	4	11	7	10	5	3	1	2	1	[A] \$ 80,925.00
	[2]	0	0	0	0	0	0	1	0	0	0	[B] Yes
	[3]	0	1	3	2	1	0	0	1	4	0	[C] 1/2 Voted
Oakland	[1]	1	10	10	4	4	2	2	3	0	2	[A] \$357,029.22
	[2]	0	0	0	0	0	0	0	0	0	0	[B] Yes
	[3]	0	1	3	1	0	1	2	1	1	1	[C] 1/2 Voted
Oceana	[1]	4	4	1	8	3	10	5	10	9	1	[A] \$ 15,500.00
	[2]	0	0	0	0	0	0	1	1	0	0	[B] Yes
	[3]	0	0	0	0	0	1	0	0	0	0	[C] 1 Voted
Ontonagon	[1]	1	10	4	1	0	1	0	0	0	0	[A] \$ 5,715.00 (1963)
	[2]	0	0	0	0	0	0	0	0	0	0	[B] No
	[3]	0	4	1	1	1	1	0	1	1	0	[C] 0
Ontonagon	[1]	0	0	0	0	0	0	0	1	0	0	[A] \$ 11,940.00
	[2]	0	0	0	0	0	0	0	0	0	0	[B] Yes
	[3]	0	0	0	0	0	0	0	0	0	0	[C] 1 Voted

[1] Transfers granted  
 [2] Transfers modified  
 [3] Transfers denied

[A] Intermediate District Budget  
 [B] Special Education Program  
 [C] Mills Voted Tax for Special Education.



Intermediate School District		1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	Budget for 1964
Oscoda	(1)	0	0	0	0	0	0	0	2	1	0	(A) \$ 1,600.00
	(2)	0	0	0	0	0	0	0	0	0	0	(B) No
	(3)	0	0	0	0	0	0	0	0	0	0	(C) 0
Ottawa	(1)	3	3	5	0	2	2	0	3	1	0	(A) \$ 62,118.00
	(2)	0	0	0	0	0	0	0	0	0	0	(B) Yes
	(3)	3	4	4	2	1	2	0	1	0	0	(C) 1/2 Voted
Roscommon	(1)	0	0	0	0	1	1	1	0	1	0	(A) \$ 4,500.00
	(2)	0	0	0	0	0	0	0	0	0	0	(B) Yes
	(3)	0	0	0	0	0	0	0	0	0	0	(C) 0
Saginaw	(1)	4	12	15	9	2	4	5	5	4	0	(A) \$ 61,850.00
	(2)	1	0	0	0	0	0	2	1	1	0	(B) No
	(3)	3	2	2	1	1	2	1	2	1	0	(C) 0
St. Clair	(1)	65	31	10	14	8	13	4	10	9	1	(A) \$ 95,345.00
	(2)	0	0	0	0	0	0	0	0	0	0	(B) Yes
	(3)	0	0	2	3	1	3	4	4	0	0	(C) 1/2 Voted
St. Joseph	(1)	14	15	7	5	11	5	3	12	8	3	(A) \$ 25,841.00
	(2)	0	3	0	0	1	0	0	0	0	0	(B) Yes
	(3)	2	9	1	0	2	0	3	7	4	3	(C) 1 Voted
Sanilac	(1)	4	8	4	5	2	5	4	3	16	4	(A) \$ 18,824.16
	(2)	0	0	0	0	0	0	0	0	0	0	(B) No
	(3)	2	3	4	6	3	1	6	9	13	3	(C) 0

(1) Transfers granted  
 (2) Transfers modified  
 (3) Transfers denied

(A) Intermediate District Budget  
 (B) Special Education Program  
 (C) Mills Voted Tax for Special Education

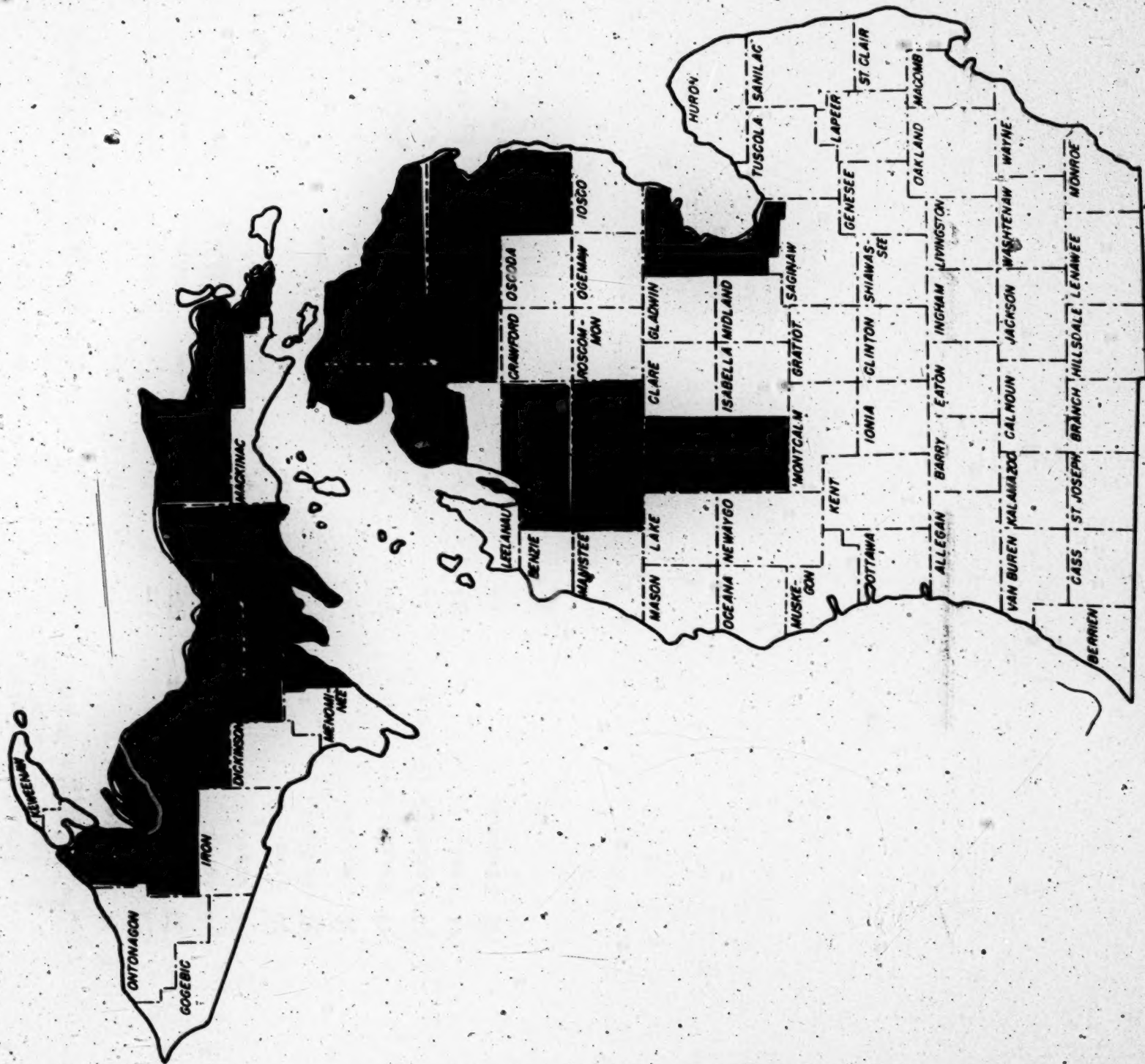


Intermediate School District		1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	Budget for 1964
Shiawassee	(1)	4	7	12	9	4	7	21	19	10	3	(A) \$ 31,942.09
	(2)	1	0	3	1	0	1	1	4	1	0	(B) Yes
	(3)	1	5	2	5	1	6	2	3	5	3	(C) 3/4 voted
Tuscola	(1)	2	6	25	16	16	24	15	25	17	7	(A) \$ 21,400.00
	(2)	0	0	0	0	1	2	1	1	4	0	(B) Yes
	(3)	0	5	4	2	2	3	6	8	5	4	(C) 3/4 voted
Van Buren	(1)	1	3	15	7	6	15	20	4	2	1	(A) \$ 25,600.00
	(2)	0	0	0	0	0	0	0	0	0	0	(B) Yes
	(3)	2	6	5	1	3	4	3	1	3	1	(C) 1 voted
Washtenaw	(1)	9	7	11	4	4	4	7	4	1	1	(A) \$ 53,341.00
	(2)	0	0	0	0	0	0	0	0	0	0	(B) Yes
	(3)	0	0	0	0	0	2	0	1	0	1	(C) 1/2 voted
Wayne	(1)	6	5	3	6	5	1	2	0	2	0	(A) \$395,170.00
	(2)	0	0	0	0	0	0	0	0	0	0	(B) No
	(3)	0	2	1	7	4	3	1	2	1	0	(C) 0
Wexford Wexford annexed Missaukee 6-8-64	(1)	2	2	1	1	2	2	3	3	3	2	(A) \$ 18,531.78
	(2)	0	0	0	0	0	0	0	0	0	2	(B) No
	(3)	1	1	0	2	0	4	4	2	2	4	(C) 0
Missaukee	(1)	0	0	4	0	1	0	1	0	1		(A)
	(2)	0	0	0	0	0	0	0	0	0		(B)
	(3)	0	1	2	0	1	0	0	1	0		(C)

(1) Transfers granted  
 (2) Transfers modified  
 (3) Transfers denied

(A) Intermediate District Budget  
 (B) Special Education Program  
 (C) Mills voted for Special Education





# INTERMEDIATE SCHOOL DISTRICT TEN YEAR TRANSFER REPORT

EXHIBIT 26

[fol. 170]

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Key:

- 1 - Transfers granted
- 2 - Transfers modified
- 3 - Transfers denied

4 - Ten year total

5 - Average for ten years

X - Indicates reorganization of Intermediate School Districts since 6-1-63

	1	2	3	4	5
X 01 Alcona	0-	0-	1-	1-	1/10
X 02 Alger	0-	0-	0-	0-	0
03 Allegan	0-	1-	1-	2-	1/5
X 04 Alpena	0-	1-	1-	2-	1/5
05 Antrim	9-	0-	3-	12-	1-1/5
X 06 Arenac (7 yrs.)	28-	0-	4-	32-	3-1/5
X 07 Baraga	0-	0-	0-	0-	0
08 Barry	30-	0-	13-	43-	4-3/10
X 09 Bay	28-	3-	2-	3-	3-3/5
10 Benzie	10-	0-	6-	16-	1-3/5
11 Berrien	22-	0-	25-	47-	4-7/10
12 Branch	18-	1-	9-	28-	2-4/5
13 Calhoun	34-	1-	13-	48-	4-4/5
14 Cass	54-	6-	11-	171-	17-1/10
X 15 Charlevoix (9 yrs.)	17-	0-	3-	20-	2
X 16 Cheboygan (9 yrs.)	9-	0-	2-	11-	1-1/10
X 17 Chippewa	2-	0-	0-	2-	1/5
18 Clare	26-	2-	3-	31-	3-1/10
19 Clinton	159-	0-	4-	163-	16-3/10
20 Crawford	5-	0-	0-	5-	1/2
X 21 Delta	6-	0-	0-	6-	3/5
22 Dickinson	1-	0-	0-	1-	1/10
23 Eaton	248-	0-	74-	322-	32-1/5
X 24 Emmet	2-	1-	1-	4-	2/5
25 Genesee	41-	2-	14-	57-	5-7/10
26 Gladwin	8-	0-	11-	19-	1-9/10
27 Geoghegan	0-	0-	0-	0-	0
X 28 Grand Traverse	30-	4-	15-	49-	4-9/10
29 Gratiot	69-	5-	28-	102-	10-1/5
30 Hillsdale	29-	1-	5-	35-	3-1/2
X 31 Houghton	3-	1-	0-	4-	2/5
32 Huron	75-	7-	32-	114-	11-2/5
33 Ingham	58-	5-	4-	67-	6-7/10
34 Ionia	188-	6-	46-	240-	24
35 Iosco	4-	0-	7-	11-	1-1/10
36 Iron	0-	0-	0-	0-	0
37 Isabella	27-	2-	6-	35-	3-1/2
38 Jackson	49-	1-	21-	71-	7-1/10
39 Kalamazoo	16-	1-	12-	29-	2-9/10
X 40 Kalkaska (9 yrs.)	7-	0-	1-	8-	4/5
41 Kent	199-	0-	58-	257-	25-7/10
42 Keweenaw	1-	0-	0-	1-	1/10



Page 2 INTERMEDIATE SCHOOL DISTRICT TEN YEAR TRANSFER REPORT

Key: 1 - Transfers granted  
2 - Transfers modified  
3 - Transfers denied  
4 - Ten year total  
5 - Average for ten years  
X - Indicates reorganization of Intermediate School Districts since 6-1-53

	1	2	3	4	5
43 Lake	7-	0-	7-	14-	1-4/10
44 Lapeer	201-	0-	173-	380-	38
45 Leelanau	0-	0-	0-	0-	0
46 Lenawee	248-	0-	65-	313-	31-3/10
47 Livingston	38-	0-	16-	54-	5-4/10
X 48 Luce	0-	0-	0-	0-	0
49 Mackinac	0-	0-	0-	0-	0
50 Macomb	20-	0-	8-	28-	2-8/10
51 Manistee	113-	0-	15-	128-	12-8/10
X 52 Marquette	7-	0-	0-	7-	7/10
53 Mason	103-	1-	7-	110-	11
X 54 Mecosta	23-	0-	10-	33-	3-3/10
55 Menominee	2-	0-	2-	4-	4/10
56 Midland	21-	0-	24-	45-	4-5/10
X 57 Milwaukee	7-	0-	5-	12-	1-1/5
58 Monroe	28-	1-	21-	50-	5
59 Montcalm	86-	0-	23-	109-	10-9/10
X 60 Montmorency	0-	1-	0-	1-	1/10
61 Muskegon	26-	2-	12-	40-	4
62 Newaygo	45-	1-	12-	57-	5-7/10
63 Oakland	38-	0-	11-	49-	4-9/10
64 Oceana	55-	2-	1-	58-	5-8/10
65 Ogemaw	17-	0-	10-	27-	2-7/10
66 Ontonagon	1-	0-	0-	1-	1/10
X 67 Osceola	50-	7-	11-	68-	6-8/10
68 Oscoda	3-	0-	0-	3-	3/10
X 69 Otsego (9 yrs.)	27-	0-	5-	32-	3-1/5
70 Ottawa	19-	0-	17-	36-	3-8/10
X 71 Presque Isle (9 yrs.)	2-	0-	2-	4-	2/5
72 Roscommon	4-	0-	0-	4-	2/5
73 Saginaw	60-	5-	15-	80-	8
74 St. Clair	165-	0-	17-	132-	18-2/10
75 St. Joseph	83-	4-	31-	118-	11-8/10
76 Sanilac	55-	0-	50-	105-	10-5/10
X 77 Schoolcraft	0-	0-	0-	0-	0
78 Shiawassee	96-	12-	33-	141-	14-1/10
79 Tuscola	153-	9-	39-	201-	20-1/10
80 Van Buren	82-	0-	23-	105-	10-5/10
81 Washtenaw	52-	0-	23-	75-	7-5/10
82 Wayne	30-	0-	21-	51-	5-1/10
X 83 Wexford	21-	2-	20-	43-	4-3/10

Transfers of territory between school districts ordered by defendant The Board of Education of the County of Kent

and The Board of Education of The Kent Intermediate School District under the provisions of chapter 5,

part 2 of the school code of 1955, as amended, since

February 25, 1963 to the date of this stipulation.

63-4	Grand Rapids City to Godwin Heights (Paris #6fr) 4 petitions and 1 order entered	March 16, 1963
63-5	Forest Hills (Grand Rapids #15fr) to Lowell	April 15, 1963
63-6	Lowell Area to Rockford	April 15, 1963
63-7	Farrell (Ada 6fr) to Forest Hills	April 15, 1963
63-8	Talbot (Grattan 5fr) to Grattan Center (Grattan lfr)	April 15, 1963
63-9	Grand Rapids to Grandville (Wyoming lfr)	May 17, 1963
63-10	Dodge (Gaines #3) to Caledonia Community Schools	May 20, 1963
63-11	Hudsonville (4th Class #31, Ottawa Co.) to Byron Community Schools	June 4, 1963
63-12	Mapes (Lowell 6) to Lowell Area Schools	June 13, 1963
63-13	Talbot (Grattan 5fr) to Grattan Center (Grattan lfr)	June 17, 1963
63-14	Rosenberger (Campbell #1-Ionia Co.) to Lowell Area Schools	June 13, 1963
63-15	Kent City (Tyrone lfr) to Cedar Springs (Nelson 5fr)	July 2, 1963
63-16	Stinson (Courtland 1) to Rockford (Algoma lfr)	July 15, 1963
63-17	Stinson (Courtland 1) to Rockford (Algoma lfr)	July 15, 1963
63-18	Courtland Center (Courtland #3) to Benham (Courtland #5)	August 19, 1963
63-19	Grattan Center (Grattan lfr) to Rockford (Algoma lfr)	August 19, 1963
63-20	Lowell Area Schools (Lowell lfr) to Forest Hills (Grand Rapids 15fr)	August 19, 1963
63-21	Stinson (Courtland 1) to Rockford (Algoma lfr)	September 16, 1963
63-22	Stinson (Courtland 1) to Rockford (Algoma lfr)	September 16, 1963

[fol. 172]



63-23 Coopersville (Ottawa 4th Class #26) to Kenowa Hills  
(Walker 16fr) September 18, 1963

64-1 Ashley (Grattan #6fr) to Grattan Center (Grattan #1fr) November 18, 1963

64-2 Mapes (Lowell #6) to Lowell Area Schools (Lowell #1fr) November 18, 1963

64-3 Greenville to Rockford Public Schools (Algoma #1fr) June 15, 1964

64-4 Benham (Courtland #5) to Cedar Springs (Nelson #5fr) June 15, 1964

64-5 Stinson (Courtland #1) to Rockford (Algoma #1fr)  
Denied by State Board of Education on appeal June 15, 1964

64-6 Stinson (Courtland #1) to Rockford (Algoma #1fr) June 15, 1964

64-7 Hoag (Solon #8) to Kent City (Tyrone #4fr) June 26, 1964

64-8 Grattan Center (Grattan #1fr) to Rockford (Algoma #1fr) July 20, 1964

64-9 Courtland Center (Courtland #3) to Evans (Courtland #6fr) July 20, 1964

64-10 Stinson (Courtland #1) to Rockford (Algoma #1fr)  
Denied by State Board of Education on appeal August 17, 1964

64-11 Stinson (Courtland #1) to Rockford (Algoma #1fr) August 17, 1964

64-12 Stinson (Courtland #1) to Rockford (Algoma #1fr) August 31, 1964

64-13 Mapes (Lowell #6) to Lowell Area Schools September 10, 1964

64-14 Coopersville to Kenowa Hills (Walker #16fr) October 20, 1964

65-1 Godwin Heights (Paris #6fr) to Grand Rapids City February 15, 1965

Scale: 1" equals  
\$100,000 in  
valuation per  
child

\$1,035,499.  
Average  
Valuation  
per child  
removed by  
order of  
Kent County  
Board of  
Education

(\$20,756,177  
with 20  
children)

\$20,274 average valuation per child for annexed areas 1960- 1962 (\$89,277,206, 4403 children)	\$22,426 valuation per child in Grand Rapids before annexation (1959) \$550,734,812, 24,558 child- ren)
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See paragraph 7a and 30 of the Statement of Facts.



[fol. 175]

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

[Title omitted]

ISSUES OF LAW AGREED TO BY DEFENDANTS—  
Filed August 11, 1965

The defendants agree to the following statement of issues of law.

Issues of Law

1. Does this Court have jurisdiction to invalidate an act of an allegedly malapportioned county (intermediate) board of education?
2. Is the composition of local units of government, such as county (intermediate) school boards of education, a state matter and not a subject within the jurisdiction of this Court?
3. Do school electors have an absolute right to vote for members of a county (intermediate) school board of education?
4. Does this Court have jurisdiction to consider the alleged malapportionment of a county (intermediate) school board of education upon the complaint of individual school electors and resident freeholders if such individuals do not have the absolute right to vote for members thereof?
5. Do the individual school electors and resident freeholders have any property rights in the territory of a school district?
6. Does this Court have jurisdiction to consider an alleged violation of due process of law upon the complaint of

[File endorsement omitted]

individual school electors and resident freeholders in the alteration of the boundaries of school districts?

7. Are Title 42, §1981 and §1983 U.S.C. violated as alleged by plaintiffs?

8. Do plaintiffs-The Board of Education of the City of Grand Rapids, a school district created under the Constitution and laws of the State of Michigan, and the City [fol.176] of Grand Rapids, created as a home rule city, under the Constitution and laws of the State of Michigan, have any rights, privileges or immunities which they may invoke in opposition to the will of their creator?

9. Do the individual plaintiffs, whether intervening or not, have standing to invoke the Fourteenth Amendment to the Constitution of the United States?

10. Does chapter 5, part 2 of the school code of 1955 (the transfer chapter) violate, in any respect, the Fourteenth Amendment to the Constitution of the United States?

11. Does this Court have jurisdiction over the Michigan State Board of Education, created pursuant to the 1908 and 1963 Michigan Constitutions?

12. If this Court has jurisdiction over the Michigan State Board of Education, do plaintiffs, whether intervening or not, have any rights, privileges or immunities guaranteed by the Fourteenth Amendment to the Constitution of the United States, in proceedings before that Board to alter boundaries of school districts?

13. If this Court has jurisdiction over the Michigan State Board of Education and if plaintiffs (whether intervening or not) have rights, privileges or immunities guaranteed by the Fourteenth Amendment to the Constitution of the United States, in proceedings before that Board to alter boundaries of school districts, were any of such rights, privileges or immunities violated by the action of the Michigan State Board of Education by its amended order entered June 5, 1963?



14. If this Court has jurisdiction of the subject matter to consider the alleged malapportionment of defendant Kent County (intermediate) Board of Education, were the members of the board de facto officers and is the action taken by them as such board on February 25, 1963 the action of a de facto public body and valid in all respects?

Dated: August 10, 1965.

Vanderveen, Freihofer & Cook, By George R. Cook, Attorneys for the Board of Education of the County of Kent and the individual defendants, Suite 111-G Waters Building, Grand Rapids, Michigan 49502.

Strawhecker and McCargar, By Paul O. Strawhecker, Attorneys for Defendant Kentwood Public Schools, Kent County, Michigan, 637 Michigan Trust Building, Grand Rapids, Michigan 49502.

Frank J. Kelley, Attorney General, Intervening Defendant, By Eugene Krasicky, Assistant Attorney General, Capitol Building, Lansing, Michigan.

[fol. 177]

## UNITED STATES OF AMERICA

IN THE DISTRICT COURT OF THE UNITED STATES

FOR THE WESTERN DISTRICT OF MICHIGAN

SOUTHERN DIVISION

Civil Action No. 4480

JAMES SAILORS and LORETTA SAILORS; SEYMOUR KONING and MILDRED KONING; GRAZZI MULLAY and ROSALIE MULLAY; and THE BOARD OF EDUCATION OF THE CITY OF GRAND RAPIDS, a second class school district, Plaintiffs,

WILLIAM A. DUTHLER and ANNA M. DUTHLER; HARVEY A. DUTHLER and EDNA M. DUTHLER; and THE CITY OF GRAND RAPIDS, a municipal corporation, Intervening Plaintiffs,

v.

THE BOARD OF EDUCATION OF THE COUNTY OF KENT, and VICTOR WELLER, DEWEY JAARSMA, MARY I. KEELER, RUSSEL EMMONS, and C. B. LEAVER, as members thereof, and THE KENTWOOD PUBLIC SCHOOLS, a school district of the fourth class, defendants,

ATTORNEY GENERAL OF THE STATE OF MICHIGAN,  
Intervening Defendant.

Before O'Sullivan, Circuit Judge, Kent, Chief District Judge, and Fox, District Judge.

Fox, District Judge.

OPINION—May 2, 1966

[fol. 178] This is an action brought by plaintiffs Sailors, Koning, and Mullay, and intervening plaintiffs Duthler, all formerly school electors of defendant Kentwood Public

[File endorsement omitted]



Schools, against the Board of Education of the County of Kent (hereinafter called "Board"), and Kentwood Public Schools, a local school district. Suit was commenced on February 15, 1963.

As additional parties plaintiff in this case, there appear the City of Grand Rapids, and the Board of Education of the City of Grand Rapids, a second-class school district.

By popular vote of February 1962, three areas of Paris Township (Breton Avenue, Kendall, and Fuller-44th Street) were annexed to the City of Grand Rapids. Concomitantly, these areas were detached from defendant Kentwood school district and annexed to the plaintiff City of Grand Rapids school district. The annexation became effective on December 31, 1962.

A fourth area (Alger Street) was detached and annexed by vote of the legislative bodies of the township and city, and that territory likewise shifted school districts.

On January 1, 1963, the Board of Education of the defendant Kentwood Public Schools requested defendant Board to detach these four areas from plaintiff school district and transfer them to defendant Kentwood Public Schools.

Defendant Board accepted the transfer petitions, gave the statutory notice of its meeting, and on February 25, 1963, granted the transfer request without written opinion.

Plaintiffs appealed the decision to the State Board of Education, which entered an amended order on June 5, [fol. 179] 1963, exempting the property of the original plaintiffs from the transfer, as well as that of two other lot owners. Again, no written opinion was given.

By way of relief, plaintiffs seek to have this court set aside the transfers subsequent to the effective date of annexation, to declare that the defendant Board is unconstitutionally constituted, to enjoin any further elections until the misrepresentation is brought into balance, and to declare that the absence of any statutory standards governing the decisions of the county board of education is

violative of the Fourteenth Amendment due process guarantees, and constitutes an improper delegation of legislative authority.

Defendants contend that the court has no jurisdiction over the subject matter of the complaint, and that it has no power to set aside the acts of an allegedly malapportioned legislature.

Members of the county boards of education are elected in accordance with the procedure set forth in Michigan Statutes Annotated 15.3291 and ff. This is essentially a unit system of voting—each school district within the county receives one vote in the election of each of the five members of the county board.

By amendments to the law effective March 28, 1963 (M.S.A. 15.3294(1), and ff.), provision for popular election of county board members is available upon request of a majority of the local school boards, representing more than 50% of the children on the last school census.

These elections are held biennially on the first Monday of June, to select replacements for members whose terms [fol. 180] have expired. Under the applicable provision, not more than two members of the board may come from any one school district.

The county board of education exercises legislative, administrative, and quasi-judicial functions. Among these are the levying of *ad valorem* property taxes; collecting data on delinquent taxes; arranging for the taking of the school census; preparation of an annual budget; authority over special education programs and programs for the retarded; and authority to transfer territory from one school district to another.

In the present case, wide variation in the populations of the constituent school districts is prevalent. Nelson School District has a population of 99, and exercises one unit vote. Hoag School District has a population of 111, and one unit vote; Dodge School District, population 117 and one unit vote; Ashley School District, population 145 and one unit vote; Grand Rapids School District, population 201,777, or



55.6% of all people in Kent County, and one unit vote. (According to the 1960 decennial census.) In 1964 there were 39 school districts within Kent County. Thus in several school districts in Kent County, the voting strength of one voter approximates the voting strength of 200 voters in the Grand Rapids School District.

Furthermore, plaintiff Grand Rapids School District has 48.04% of the total number of school-age children in Kent County (1963 school census).

Similar inequality is found in the property valuation figures for the respective school districts.

The primary question is whether or not the guarantees of the equal protection clause of the Fourteenth Amendment to the Federal Constitution are extended to electors [fol. 181] of local school boards in the State of Michigan, which local boards elect intermediate (county) boards of education in accordance with a system paralleling the "county-unit" system invalidated by the Supreme Court in *Gray v. Sanders*, 372 U.S. 368, 83 S.Ct. 801, 9 L.Ed. 2d 821 (1963).

At oral argument learned counsel for defendant Kentwood School District pressed on the court the admonition not to enter the "political thicket." This phrase was coined by Mr. Justice Frankfurter in his opinion in the case of *Colegrove v. Green*, 328 U.S. 549, 66 S.Ct. 1198, 90 L.Ed. 1432 (1946), which sought to invalidate a scheme of state congressional districts for the reason that they differed greatly in population.

"To sustain this action would cut very deep into the very being of Congress. *Courts ought not to enter this political thicket.* The remedy for unfairness in districting is to secure State legislatures that will apportion properly, or to invoke the ample powers of Congress. The Constitution has many commands that are not enforceable by courts because they clearly fall outside the conditions and purposes that circumscribe judicial action." (Emphasis supplied.) *Id.* at 556.

Mr. Justice Frankfurter's opinion in that case represented the views of three members of the court. Mr. Justice Rutledge joined in the result, giving a majority, expressing the view that the question was judicially cognizable, but that the particular case did not call for an exercise of the Court's jurisdiction.

In the decision in *Baker v. Carr*, 369 U.S. 186, 82 S.Ct. 691, 7 L.Ed. 2d 663 (1962), the majority held that lower federal courts have jurisdiction of the subject matter of a suit attacking a state apportionment act as unconstitutional on the grounds that it deprives the plaintiff of equal protection of the laws by debasing his vote, that a state apportionment statute violates the equal protection clause by effecting a gross disproportion in representation of the [fol. 182] voting population, and that a person qualified to vote for members of a state legislature has standing to challenge a state legislative apportionment statute as violative of the Fourteenth Amendment equal protection clause.

Justices Frankfurter and Harlan dissented on the grounds of non-justiciability.

In the spate of cases subsequently decided by the Supreme Court upholding the right to challenge malapportionment of state legislatures, the lone dissenter from that proposition has been Mr. Justice Harlan.

In *Reynolds v. Sims*, 377 U.S. 533, 84 S.Ct. 1362, 12 L.Ed. 2d 506 (1964), Mr. Chief Justice Warren, in the opinion of the court, stated:

*"We are cautioned about the dangers of entering into this political thicket and mathematical quagmires. Our answer is this: 'A denial of constitutionally protected rights demands judicial protection; our oaths and our office require no less of us.' As stated in Gomillion v. Lightfoot, supra [364 U.S. 339, 5 L.Ed. 2d 110, 81 S.Ct. 125], 'When a state exercises power wholly within the domain of state interest, it is insulated from judicial review. But such insulation is not carried over when state power is used as an instrument for circumventing a federally protected right.'"*



"To the extent that a citizen's right to vote is debased, he is that much less a citizen. . . . But the basic principle of representative government remains, and must remain, unchanged—the weight of a citizen's vote cannot be made to depend upon where he lives. Population is, of necessity, the starting point for consideration and the controlling criterion for judgment in legislative apportionment controversies. A citizen, a qualified voter, is no more or less so because he lives in the city or on the farm. This is the clear and strong command of our Constitution's Equal Protection Clause. This is an essential part of the concept of a government of laws and not men. This is at the heart of Lincoln's vision of 'government of the people, by the people, [and] for the people.'" (Emphasis supplied.) *Id.* at 377 U.S. 566-7.

[fol. 183] The clear import of this language and of all the decisions handed down since that in *Baker v. Carr*, *supra*, is that the "political thicket" has been entered, courts will entertain actions of this nature, and relief will be granted in the proper case. Under the well established doctrine of *stare decisis*, then, the argument of counsel that this court ought not involve itself in a controversy of this sort is palpably untenable.

As to the standards to be applied, Mr. Chief Justice Warren, again in *Reynolds v. Sims*, *supra*, made the following observations:

"We indicated in *Baker*, however, that the Equal Protection Clause provides discoverable and manageable standards for use by lower courts in determining the constitutionality of a state legislative apportionment scheme, and we stated:

'Nor need the appellants, in order to succeed in this action, ask the Court to enter upon policy determinations for which judicially manageable standards are lacking. Judicial standards under the Equal Pro-

tection Clause are well developed and familiar, and it has been open to courts since the enactment of the Fourteenth Amendment to determine, if on the particular facts they must, that a discrimination reflects no policy, but simply arbitrary and capricious action.' " (Footnote omitted.) *Id.* at 377 U.S. 557.

(Discussing *Gray v. Sanders*, *supra*):

"Continuing, we stated that 'there is no indication in the Constitution that homesite or occupation affords a permissible basis for distinguishing between qualified voters within the state.' And finally, we concluded: 'The conception of political equality from the Declaration of Independence, to Lincoln's Gettysburg Address, to the Fifteenth, Seventeenth, and Nineteenth Amendments, can mean only one thing—one person, one vote.' " (Footnote omitted.) *Id.* at 377 U.S. 558.

[fol. 184] The power of the court to act in this situation is thus clear—the question remains as to whether it should forbear from acting, and this requires a scrutiny of the facts in light of the Supreme Court cases.

Initially, there can be no question, from the most cursory glance at the facts of this case, that there is a gross disparity, amounting to invidious discrimination, between the representation afforded the Grand Rapids School District on the Kent Intermediate Board of Education and the representation of other constituent school districts on the Board. In the use of the term "invidious," I in no way convey any connotation of bad faith. For a legislature, acting with the best of intentions in passing legislation of the type here concerned, may inadvertently provide the means by which "sophisticated discrimination" may result from the execution of the statute's provisions.<sup>1</sup>

<sup>1</sup> See *WMCA v. Lomenzo*, 377 U.S. 633, 653, 84 S.Ct. 1418, 12 L.Ed. 2d 568, 580 (1964)..



We must now inquire as to whether or not this court should refrain from acting because the controversy before it concerns government on the county level, while the decided Supreme Court cases have thus far applied the guarantees of the equal protection clause of the Fourteenth Amendment, only to voters' rights on the state level.

"Political subdivisions of States—counties, cities, or whatever—never were and never have been considered as sovereign entities. Rather, they have been traditionally regarded as subordinate governmental instrumentalities created by the State to assist in the carrying out of state governmental functions. As stated by the Court in *Hunter v. City of Pittsburgh*, 207 US 161, 178, 52 L ed 151, 159, 28 S Ct 40, these governmental units are 'created as convenient agencies for exercising such of the governmental powers of the State as may be entrusted to them,' and the 'number, nature and duration of the powers conferred upon [them] . . . and the territory over which they shall be exercised rests in the absolute discretion of the State.'" *Reynolds v. Sims*, supra, at 377 U.S. 575.

[fol. 185] In *City of Muskegon v. County of Muskegon*, File No. 15983, Muskegon Circuit Court, the court said:

"The County, on the other hand is a political subdivision of the state. It is superimposed by a sovereign and paramount authority, as a governmental agent of the State, to perform primarily the functions of the State locally and within its boundaries. It is a 'body politic and corporate'. It is created as an arm of the sovereign government of the State for purposes essential to the proper functioning of that government in matters which relate to the civil administration, finances, maintenance of the peace, public welfare, and especially for the administration of justice through the maintenance of courts of original trial jurisdiction,

such as the Circuit Court. This latter function, of course, includes the establishment of jails for the confinement and punishment of those who have been guilty of offenses against the criminal laws of the State of Michigan.

"The County is generally a subordinate part of the sovereignty of the State itself. 20 C.J.S. 753, Section 1; 14 Am.Jur. 186, Sec. 4. There is a logical basis for drawing distinction between Counties and ordinary municipal corporations, Cities. Counties are created by the State in the exercise of its own sovereign power without the particular solicitation, consent, or concurrence of the people who inhabit them. In Michigan, the Counties owe their creation to the constitution and statutes which confer upon them all the powers they possess, prescribe their duties and impose the liabilities to which they are subject. With scarcely an exception, all the powers and the functions of the County organization have a direct and exclusive reference to the general policies of the State of Michigan, and, in fact, counties are only a branch of the general administration of that policy.

"On the other hand, municipal corporations, such as chartered cities, are more amply endowed with corporate life and function. They exist under general or special charters conferred at the direct solicitation or by the free consent of the people who compose them. They are created chiefly for the interest, advantage and convenience of their inhabitants. The distinction between a municipal corporation and a political subdivision of the state, such as a County, relates both to the purposes for which they are created and the method of their creation.

"Thus, the organization of the City is asked for, or at least, consented to by the people it embraces. A County is imposed by a sovereign and paramount authority, it is created by the sovereign power of the



State, of its sovereign will, without the particular solicitation, consent or concurrent action of the people who inhabit them. *Bar v. Schintz*, 194 Wis. 397, 216 N.W. 509; *McQuillan on Municipal Corporations*, Section 12, Vol. 1; *Young vs. Juno County*, 192 Wis. 646, 212 N.W. 295; *Miller vs. Manistee Board of Road Com-[fol. 186] missioners*, 297 Mich. 487; *City of Detroit vs. O'Connor*, 302 Mich. 531; *Crowley vs. Clark County*, 261 N.W. 221; *Campbell vs. Board of Commissioners*, 30 F. 2d 910; *County of Door vs. A.F. of L., et al.* 4 Wis. 2d, 142, 89 N.W. 2d 920 (1958); *Green County vs. City of Monroe*, *supra.*"

Obviously, therefore, the Kent Intermediate Board of Education is an arm of the State, albeit acting on a local level.

The Supreme Court has made crystal clear, in sweeping language, the right which is involved in these cases. Beginning with *Gray v. Sanders*, *supra*, which dealt with statewide primaries for United States Senator and state officers, Mr. Justice Douglas stated the majority view to be:

"Once the geographical unit for which a representative is to be chosen is designated, all who participate in the election are to have an equal vote—whatever their race, whatever their sex, whatever their occupation, whatever their income, and wherever their home may be in that geographical unit. This is required by the Equal Protection Clause of the Fourteenth Amendment." *Id.* at 372 U.S. 379.

This view continues through *Wesberry v. Sanders*, 376 U.S. 1, 84 S.Ct. 526, 11 L.Ed. 2d 481 (1964), involving congressional elections, in which Mr. Justice Black stated that "as nearly as is practicable one man's vote in a congressional election is to be worth as much as another's," (*Id.* at 376 U.S. 8), and culminates with *Reynolds v. Sims*, *supra*, in which it was held that both houses of state leg-

islatures must be apportioned on a population basis, Mr. Chief Justice Warren commenting that "the fundamental principle of representative government in this country is one of equal representation for equal numbers of people, without regard to race, sex, economic status, or place of residence within a state." (Id. at 377 U.S. 560-1).

[fol. 187] Thus, it is beyond objection that it is the right to vote on an equal basis, whether under Article I, §2, of the Federal Constitution, or the Equal Protection Clause of the Fourteenth Amendment, which is guaranteed in these cases.

Nakedly implicit in this proposition is that equal voting rights carry a right to fair representation of the voting public by the elected official.

"But representative government is in essence self-government through the medium of elected representatives of the people, and each and every citizen has an inalienable right to full and effective participation in the political processes of his State's legislative bodies. Most citizens can achieve this participation only as qualified voters through the election of legislators to represent them. Full and effective participation by all citizens in state government requires, therefore, that each citizen have an equally effective voice in the election of members of his state legislature. Modern and viable state government needs, and the Constitution demands, no less." *Reynolds v. Sims*, supra, at 377 U.S. 565.

Numerous courts have passed favorably on the proposition that the effect of these decisions does reach the state-wide level. See *Ellis v. Mayor and City Counsel*, 352 F. 2d 123 (CCA 4, 1965); *Bianchi v. Griffing*, 238 F.Supp. 997 (D.C. E.D. N.Y., 1965); *Damon v. Lauderdale County Election Commissioners*, C.A. 1197-E (D.C. S.D. Miss., October 21, 1964); *State v. Sylvester*, 26 Wis. 2d 43, 132 N.W. 2d 249 (1965); and *Brouwer v. Bronkema*, Case No. 1855 (Kent



County, Michigan, Circuit Court, September 11, 1964).<sup>2</sup> I am convinced that the facts of this case admit of no other course than to reach a similar decision.

[fol. 188] In the Bianchi case, *supra*, the order of the three-Judge court retaining jurisdiction pending political action in reapportioning a county board of supervisors, denying a requested injunction and defendants' motion to dismiss, was appealed to the United States Supreme Court by the defendants. Plaintiff-appellee moved to dismiss the appeal on the grounds that it was an attempt to appeal a non-reviewable order.

Although defendant-appellants' brief (p. 8) raised the "vitally important question of whether the Equal Protection Clause of the Fourteenth Amendment in respect to reapportionment extends to the lowest level of local government," the Supreme Court in a one-line opinion stated: "The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction." 382 U.S. 15, 86 S.Ct. 52, 15 L.Ed. 2d 11 (1965).

Although the Supreme Court was squarely faced with the issue of whether or not the trial court had jurisdiction in cases involving equality of voting rights for election of officials in county and local units of government, it chose to decide the Bianchi case on the narrow ground of lack of jurisdiction under 28 USC §1253 (because the order appealed from was not, in the Court's view, a final order), thus leaving the case in precisely the same status as my decision in the instant case.

The Kent Intermediate Board of Education, as do all such Boards in the State of Michigan, exercises powers of a legislative, as well as administrative and quasi-judicial,

<sup>2</sup> The Brouwer case was the first case decided after *Reynolds v. Sims*, *supra*, which applied its rule on the county level. Judge Fred N. Searl's cogent opinion in that case has drawn the well deserved attention of the courts above and is certain to figure prominently in the work of textwriters. See, for example, Weinstein, *The Effect of Federal Reapportionment Decisions on Counties and Other Forms of Municipal Government*, 65 Col. L.R. 21, note 2.

character. When questioned as to the nature of the Intermediate Boards of Education, specifically, whether or not they were representative bodies, the Assistant Attorney General averred that he did not think so, in the accepted sense of the term. He also contended that plaintiffs [fol. 189] here had no judicially cognizable right in the territory of the school district, and therefore were without standing to prosecute this action.

As pointed out above, the right involved is the right to vote for a representative body, and it cannot be seriously contended that the Kent Intermediate Board of Education, and its kin across the State, are not representative bodies.

Most apparent is the fact that they are originally organized on a county basis. As such, they dictate, direct and supervise general operations of schools within the county. Obviously they would not be established on a county, or any other geographical basis, unless intended to represent that particular area.

Of significance also is the following quotation from the case of *School District of the City of Lansing v. State Board of Education*, 367 Mich. 591, 116 N.W. 2d 866, 868:

"Unlike the delegation of other powers by the legislature to local governments, education is not inherently a part of the local self-government of a municipality except insofar as the legislature may choose to make it such. Control of our public school system is a State matter delegated and lodged in the State legislature by the Constitution. The policy of the State has been to retain control of its school system, to be administered throughout the State agencies organized with plenary powers to carry out the delegated functions given it by the legislature."

An analysis of this state of affairs leads to the unalterable conclusion stated above. In these days of growing national concern over the status of education in this country, it need hardly be stated that education is a matter of intense importance to the population.



[fol. 190] In Michigan, this public school system is "delegated and lodged in the State legislature by the Constitution." The Michigan legislature, in accordance with the apportionment decisions of the United States Supreme Court, has redistricted itself and acts as an apportioned body. This legislature has also undertaken hearings on the problem of establishing county boards of supervisors on a representative basis, thus showing its responsiveness to recent court decisions.

Thus, under the Michigan Constitution, Article VIII, Section 2, education of the children of the citizens of this State is to be provided for by the state legislature, an apportioned body, fairly representative of the people of the State.

The legislature, through the statute challenged here, has delegated its functions in this area to a local state agency, to be carried out by that agency. The method by which this is done has already been explained, and results in the virtual muting of the voices of 55.6% of the people in Kent County in the area of public education.

Thus, to permit this system to stand would be to allow the legislature to completely nullify the result of *Reynolds v. Sims*, *supra*, by simply delegating powers under the same sort of scheme as now exists for the election of members of the Kent Intermediate Board of Education. For even though members of local school districts are elected by popular election, the election of the five members of the Intermediate Board is by majority vote of the constituent school districts in the county, regardless of the respective populations of the several school districts.

The Supreme Court has spoken clearly on this point:

[fol. 191] "However complicated or sophisticated an apportionment scheme might be, it cannot, consistent with the Equal Protection Clause, result in a significant undervaluation of the weight of the votes of certain of a State's citizens merely because of where they happen to reside." *WMCA v. Lomenzo*, 377 U.S. 633, 653, 84 S.Ct. 1418, 12 L.Ed. 2d 568, at 580.

And again, in *Reynolds v. Sims*, *supra*, the Court said:

"And, if a State should provide that the votes of citizens in one part of the State should be given two times, or five times, or 10 times the weight of votes of citizens in another part of the State it could hardly be contended that the right to vote of those residing in the disfavored areas had not been effectively diluted. It would appear extraordinary to suggest that a State could be constitutionally permitted to enact a law providing that certain of the State's voters could vote two, five, or 10 times for their legislative representatives, while voters living elsewhere could vote only once. And it is inconceivable that a state law to the effect that, in counting votes for legislators, the votes of citizens in one part of the State would be multiplied by two, five, or 10, while the votes of persons in another area would be counted only at face value, could be constitutionally sustainable. \* \* \* The resulting discrimination against those individual voters living in disfavored areas is easily demonstrable mathematically. Their right to vote is simply not the same right to vote as that of those living in a favored part of the State. Two, five, or 10 of them must vote before the effect of their voting is equivalent to that of their favored neighbor. Weighting the votes of citizens differently, by any method or means, merely because of where they happen to reside, hardly seems justifiable. One must be ever aware that the Constitution forbids 'sophisticated as well as simple-minded modes of discrimination.' *Lane v. Wilson*, 307 US 268, 83 L ed 1281, 1287, 59 S Ct 872; *Gomillion v. Lightfoot*, 364 US 339, 342, 5 L ed 110, 113, 81 S Ct 125. As we stated in *Wesberry v. Sanders*, *supra*:

'We do not believe that the Framers of the Constitution intended to permit the same vote-diluting discrimination to be accomplished through the device of districts containing widely varied numbers of in-



habitants. To say that a vote is worth more in one district than in another would . . . run counter to our fundamental ideas of democratic government." Id. at 377 U.S. 562-3.

To say that a citizen, guaranteed by his state constitution that the public education of his children shall be provided for by the state legislature, an apportioned body directly [fol. 192] responsible to him, can be denied this fair representation by the action of that legislature in delegating this function to a statutorily created agency of the state which is not responsive to the population on an equal representation basis, is to be completely out of spirit with the announced decisions of the United States Supreme Court, and allows a limitless circumvention of the rule posited by that Court in *Reynolds v. Sims*, *supra*.

True it may be that a Michigan citizen has no inherent right to vote for matters concerning education. Suffice it to say that the Michigan Constitution provides that such a person will be fairly represented in such matters.

However, in the instant case the legislature has chosen to give citizens of Michigan such a right, and the argument that since such a right is a matter of grace with the legislature it can be rendered inconsequential by the bestowing hand is sophistry of the highest order.

More importantly, as noted in *Reynolds v. Sims*, *supra*, the right to vote is personal. Once it is conferred by the state, "all who participate in the election are to have an equal vote." *Gray v. Sanders*, *supra*, at 372 U.S. 379.

Although the manner in which a state distributes power among its governmental organs is commonly a question for the state itself, *Highland Farms Dairy, Inc. v. Agnew*, 300 U.S. 608, 612, 57 S.Ct. 549, 81 L.Ed. 835, 840 (1937), the state in distributing such power shall not use it "as an instrument for circumventing a federally protected right." *Gomillion v. Lightfoot*, 364 U.S. 339, at 347, 81 S.Ct. 125, 5 L.Ed. 2d 110, at 117 (1960).

[fol. 193] In point of fact a Michigan citizen can vote for the person responsible for providing for his child's education—his elected representative in the legislature, and *Reynolds v. Sims*, supra, guarantees him that his vote will be counted equally, or nearly so, with that of every other vote. Under the arrangement now countenanced by M.S.A. 15.3294(1) and ff., the value of that vote on educational matters is greatly weakened. Thus, we see the voting power of some qualified voters grossly dilated, while that of others is grossly diluted. This is a classic situation of sophisticated invidious discrimination, and the statute to this extent must be declared unconstitutional.

We are not here concerned with the nature or structure of governmental units as such. The relevance of "one man, one vote" to the present case is not an extension of the rule laid down by *Reynolds v. Sims*, supra, but, rather it is a precise application of *Reynolds* to its intended purpose—to secure a constitutionally protected right to individual citizens. Under the authority of *Reynolds* and other decisions of the United States Supreme Court herein discussed, I can see no warrant to arbitrarily cut off the citizens' right to fair representation at the county level.

Since the majority opinion differs substantially as to the consequences of my conclusion, it may be well at this point to indicate exactly what is and what is not involved here. This is not a situation in which the legislature has appointed a commission or board—no one is contending for a right to vote for appointed officials. The legislature has not chosen to appoint Boards for each of the Intermediate School Districts in the State of Michigan, in which case the function of providing for public education would be delegated, but not, legislatively speaking, the responsibility. For in that situation, the legislature would have dele-  
[fol. 194] gated the function of providing for public education, but the appointees would have been directly responsible to the legislature, an equally apportioned body directly responsible to the people.



But here the legislature has delegated not only the function, but also the responsibility, which would not be objectionable but for the gross malapportionment in the existing system of selecting the Board. For under that system the members of the Board are not directly responsible to the legislature, but to the people by reason of the vote which the legislature has given them through M.S.A. 15.3294(1) and ff. Since the vote is not given on a fairly apportioned basis, the responsibility is fractionalized, and the Board is, in effect, more responsible to the minority than to the majority.\*

The Assistant Attorney General has argued that the statute itself provides for popular election of board members (M.S.A. 15.3294(2) and (3)), and that certain reorganized districts have popularly elected Boards, as provided in M.S.A. 15.3302(1).

The procedure outlined in M.S.A. 15.3294(2) and (3) is constitutionally unacceptable, requiring as it does that a majority of constituent school districts, representing more than 50% of the children on the last school census in the county district, must adopt resolutions in favor of such a procedure. The problem with this plan is that the Grand Rapids School District, with 48.04% of the school-age children in the Kent Intermediate School District, and 55.6% of the total population, would need the votes of [fol.195] nineteen other school districts (there being a total of 39 in Kent County) to bring about a popular election. Thus again, patently, a small minority has effective power to frustrate the will of the great majority.

As to those intermediate school districts now functioning under popularly elected Boards, as provided by M.S.A. 15.3302(1), no problem is envisioned, since that statute is

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\* For one writer's view of the status of county government after the recent Supreme Court decisions, see Weinstein, *supra*, Note 1. Professor Weinstein seems to be of the opinion that, although a person does not necessarily have a right to participate in the control of every state agency, when a state agency is controlled by voters, all voters must be treated as equally as possible. *Id.* at 33.

not attacked and a Board which is fairly representative would not be subject to attack.

Following the well established principle that the acts of a *de facto* body have full legal effect, the court is not disposed to grant plaintiffs this facet of the relief they seek. The possible harm in setting a precedent of this sort, even on the facts of this case, is viewed as more to be shunned than the harm resulting to individual plaintiffs by allowing the transfer to stand. Orderly functioning of government demands no less. See *Johnson v. Genesee County*, 232 F.Supp. 567 (E.D. Mich., 1964); *Scholle v. Hare*, 367 Mich. 176, 116 N.W. 2d 350; *Williams v. Secretary of State*, 145 Mich. 447, 108 N.W. 749; and *State v. Sylvester*, supra.

The preferable course is to allow a properly apportioned body to remedy whatever ills have come about by acts of its malapportioned state, and this is the policy which this court will follow.

The rights involved in this case being voting rights, and as such, personal, plaintiff Board of Education of the City of Grand Rapids and intervening plaintiff City of Grand Rapids are held to have insufficient standing to remain as parties to this action. This is succinctly stated in *Reynolds v. Sims*, supra.

[fol. 196] "As stated by the Court in *United States v. Bathgate*, 246 US 220, 227, 62 L. ed 676, 680, 38 S. Ct 269, '[t]he right to vote is personal . . .'"

39. As stated by Mr. Justice Douglas, the rights sought to be vindicated in a suit challenging an apportionment scheme are 'personal and individual,' *South v. Peters*, 339 US, at 280, 94 L. ed at 838, and are 'important political rights of the people,' *MacDougall v. Green*, 335 US 281, 288, 93 L. ed 3, 69 S.Ct 1 (Douglas, J., dissenting.)" *Id.* at 377 U.S. 561. (Footnote by the Court.)

However, the parties should be permitted to remain in the case as *amicus curiae*.

Finally, there is a motion before the court to add the State Board of Education as a party defendant. Plaintiffs

allege that their appeal of the decision to transfer the disputed area to the Kentwood School District, seeking to have them transferred back to the Grand Rapids School District, was decided in an arbitrary and capricious manner, and without due process of law. The State Board did place individual plaintiffs in the Grand Rapids School District.

By decision of this court, whereby it will not overturn the acts of the *de facto* Kent Intermediate Board, it would appear that the issue on this particular point is moot, unless individual plaintiffs desire a complete return to the status quo, and wish to be placed once more in the Kentwood District, which is apparently not the case.

Thus, M.S.A. 15.3294(1) and ff. should be declared to be unconstitutional as in violation of the Equal Protection Clause of the Fourteenth Amendment; insofar as Board elections are concerned.

This court should retain jurisdiction of the action and unless the 1966 legislature were to take reasonable steps [fol. 197] to correct this legislation in accordance with this opinion, allow plaintiffs to apply for additional relief.

Noel P. Fox, District Judge.

#### APPENDIX

Since the writing of this opinion, two cases reaching opposite results on the question here presented have been considered by the Supreme Court of the State of Michigan. (Brouwer v. Bronkema, Knudsen v. Klevering, opinions filed April 5, 1966 [Black, J., filed an opinion April 6, 1966, which created an even split on the decision]).

That court divided evenly on the issue raised by those two cases (which is the issue here), thus leaving the matter in a status which, at best, can be characterized as confused.

Thus, a citizen of Michigan has no effective recourse in situations such as this save the Federal Court.

Citizens of other states have been afforded relief from this type of malapportionment on boards of supervisors,



*Bianchi v. Griffing*, supra (N.Y.), *Damon v. Lauderdale County Election Commissioners*, supra (Miss.), *State v. Sylvester*, supra (Wis.); on a city council, *Ellis v. Mayor and City Council*, supra (Md.); and on a district school board, *Delozier v. Tyrone Area School Board*, 247 F.Supp. 30 (D.C. W.D. Pa., 1965).

The scope of the Fourteenth Amendment's equal protection clause is not so restricted as to overlook discrimination [fol. 198] on the slender basis that it occurs at the county level. The protection of that Amendment is extended to anyone whose constitutional rights have been impinged by invidiously discriminatory state action, wherever that action may ultimately occur. See, e.g., *Yick Wo v. Hopkins*, 118 U.S. 356, 6 S.Ct. 1064, 30 L.Ed. 220 (1886).

Justice Matthews' opinion in *Yick Wo* is apropos and prophetic. At page 370, 118 U.S., he said:

"But the fundamental rights to life, liberty, and the pursuit of happiness, considered as individual possessions, are secured by those maxims of constitutional law which are the monuments showing the victorious progress of the race in securing to men the blessings of civilization under the reign of just and equal laws, so that, in the famous language of the Massachusetts Bill of Rights, the government of the commonwealth 'may be a government of laws and not of men.' For, the very idea that one man may be compelled to hold his life, or the means of living, or any material right essential to the enjoyment of life, at the mere will of another, seems to be intolerable in any country where freedom prevails, as being the essence of slavery itself.

"There are many illustrations that might be given of this truth, which would make manifest that it was self-evident in the light of our system of jurisprudence. The case of the political franchise of voting is one. Though not regarded strictly as a natural right, but as a privilege merely conceded by society according to its will, under certain conditions, nevertheless it is

regarded as a *fundamental political right, because preservative of all rights.*" (Emphasis supplied.)

The right to vote is a fundamental right which ranks in importance along with freedom of speech, press, assembly, and religion. NAACP v. Button, 371 U.S. 415, 9 L.Ed. 2d 405, 83 S.Ct. 328; Sherbert v. Verner, 374 U.S. 398, 10 L.Ed. 2d 965, 83 S.Ct. 1790; Wieman v. Updegraff, 344 U.S. 183, 97 L.Ed. 216, 73 S.Ct. 215; NAACP v. Alabama, 357 U.S. 449, 2 L.Ed. 2d 1488, 78 S.Ct. 1163; Bates v. Little Rock, 361 U.S. 516, 4 L.Ed. 2d 480, 80 S.Ct. 412; DeJonge v. Oregon, 299 U.S. 353, 81 L.Ed. 278, 57 S.Ct. [fol. 199] 255; Shelton v. Tucker, 364 U.S. 479, 5 L.Ed. 2d 231, 81 S.Ct. 247; Staub v. Baxley, 355 U.S. 313, 2 L.Ed. 2d 302, 78 S.Ct. 277.

To reiterate: as my opinion makes clear, the Supreme Court has declared the right to vote on an equal basis to be personal and protected, and the result which I here urge merely applies the guarantee of the Fourteenth Amendment to this right.

UNITED STATES OF AMERICA  
IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION  
Civil Action No. 4480

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JAMES SAILORS, et al., Plaintiffs,

VS.

THE BOARD OF EDUCATION OF THE COUNTY OF KENT, et al.,  
Defendants.

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Before: O'Sullivan, Circuit Judge, Kent, Chief Judge, and  
Fox, District Judge.

KENT, Chief Judge with whom O'SULLIVAN, Circuit Judge,  
concur.

The facts and issues in connection with this case are very ably set forth in the opinion of Judge Fox. We find ourselves in a position where we concur with Judge Fox, writing for the Court, in reaching the conclusion that this Court will not overturn the acts of the de facto Kent Intermediate Board. We cannot concur in the conclusion wherein the statute creating such Intermediate Board of Education, M.S.A. 15.3294(1) et seq., is declared to be unconstitutional as in violation of the equal protection clause of the Fourteenth Amendment. Because of our holding this Court does not retain jurisdiction of the action.

The matter of malapportionment of boards and agencies of the states and their subsidiaries has not yet been before the United States Supreme Court. We recognize the impact of the cases to which reference is made in Judge Fox's opin-



ion, but do not agree that the decisions to which reference is therein made require the District Courts of the United States to review the manner of apportionment and constitution of each and every board and agency of the several states, cities, villages, counties, parishes, townships, metropolitan districts, and all other such policy and decision making bodies which are in existence for the purpose of carrying out the intent of the legislatures which authorize their creation.

[fol. 201]. *Reynolds v. Simms*, 377 U.S. 533, 84 S.C. 1362, 12 L.Ed. 2d 506, is unquestionably authority for the "one man one vote" premise to be used in the apportionment of state legislatures. Citations of authority have been given in Judge Fox's opinion which he concludes would authorize the imposition of this same premise upon every agency of every body of government in existence in this country today. With this we are not in accord.

We prefer the result reached in *Johnson v. Genesee County, Michigan*, 232 F.Supp. 567 (E.D. Mich. 1964), wherein Judge Stephen Roth states at page 572: "Under the prevailing view of the United States Supreme Court, as we have pointed out above, the composition of local units of government is held to be a state matter. Under the rule of stare decisis, this Court is not free to consider the subject of the apportionment of representation on local legislative bodies. It may well be that the time will come when the application of the Fourteenth Amendment will be extended that far. The more likely development is that the June 15, 1964, rulings of the Supreme Court in cases dealing with the state legislatures of Alabama, New York, Maryland, Delaware, Virginia, and Colorado will result in legislatures in our states which will be proportionately representative of people, and therefore, likely to themselves establish in local legislative bodies a vastly different balance between people and governmental power."

We recognize that the Supreme Court of the United States may at some time in the future reach the conclusion that the District Courts of the United States have the

power and duty to prescribe guide lines for the selection of the many boards and commissions created and organized in connection with local government. We are satisfied that the Supreme Court of the United States has not yet reached that point. We are satisfied that we should not anticipate that the Supreme Court will reach that point.

For the reasons herein stated an order may be entered dismissing the complaint.

[fol. 202]

UNITED STATES OF AMERICA  
IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION  
Civil Action No. 4480

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JAMES SAILORS and LORETTA SAILORS; SEYMOUR KONING and  
MILDRED KONING; GRAZZI MULLAY and ROSALIE MULLAY;  
and THE BOARD OF EDUCATION OF THE CITY OF GRAND  
RAPIDS, a second class school district, Plaintiffs,

WILLIAM A. DUTHLER and ANNA M. DUTHLER; HARVEY A.  
DUTHLER and EDNA M. DUTHLER; and THE CITY OF  
GRAND RAPIDS, a municipal corporation, Intervening  
Plaintiffs,

v.

THE BOARD OF EDUCATION OF THE COUNTY OF KENT, and  
VICTOR WELLER, DEWEY JAARSMA, MARY I. KEELER, RUS-  
SELL EMMONS, and C. B. LEAVER, as members thereof,  
and THE KENTWOOD PUBLIC SCHOOLS, a school district  
of the fourth class, Defendants,

ATTORNEY GENERAL OF THE STATE OF MICHIGAN, Intervening  
Defendant.

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ORDER OF DISMISSAL—May 2, 1966

This matter is before a three-judge Court comprising the  
Honorable Clifford O'Sullivan, United States Circuit Judge,  
the Honorable W. Wallace Kent, Chief Judge, United States  
District Court and the Honorable Noel P. Fox, United  
States District Judge, on the complaint, as amended, seek-



ing relief to have this Court declare the defendant county board of education unconstitutionally composed and to declare the statutory standards governing the decisions of the county board of education violative of the Fourteenth Amendment and constitute an improper delegation of legislative authority, and the said Court, Judge Noel P. Fox dissenting, after having heard the proofs and allegations of the parties and due consideration of briefs submitted, having filed written opinion for an order dismissing the complaint;

It Is Hereby Ordered that the complaint herein, as amended, be and the same is hereby dismissed.

Dated: May 2, 1966

[fol. 203]

UNITED STATES OF AMERICA

IN THE DISTRICT COURT OF THE UNITED STATES

FOR THE WESTERN DISTRICT OF MICHIGAN

SOUTHERN DIVISION

[Title omitted]

NOTICE OF APPEAL TO THE SUPREME COURT OF THE  
UNITED STATES—Filed June 16, 1966

I. Notice is hereby given that James Sailors and Loretta Sailors; Seymour Koning and Mildred Koning; Grazzi Mullay and Rosalie Mullay and The Board of Education of the City of Grand Rapids, a second class school district; and William A. Duthler and Anna M. Duthler; Harvey A. Duthler and Edna M. Duthler, the plaintiffs and intervening plaintiffs, above named hereby appeal to the Supreme Court of the United States from the final order-dismissing the complaint, entered in this action on May 2, 1966. This [fol. 204] appeal is taken pursuant to 28 U.S.C. Sec. 1253.

[File endorsement omitted]

II. The Clerk will please prepare a transcript of the record in this cause, for transmission to the Clerk of the Supreme Court of the United States, and include in said transcript the following:

Complaint, dated February 12, 1963

Answer of Defendant Kentwood Public Schools, dated August 11, 1964

Answer of The Board of Education of the County of Kent, dated April 21, 1965.

Stipulation of Facts, dated April 30, 1965

District Court Opinion, dated May 2, 1966

Order of Dismissal, dated May 2, 1966.

III. The following question is presented by this appeal.

"The primary question is whether or not the guarantees of the equal protection clause of the Fourteenth Amendment to the Federal Constitution are extended to electors of local school boards in the State of Michigan, which local boards elect intermediate (county) boards of education in accordance with a system paralleling the 'county-unit' system invalidated by the Supreme Court in *Gray v. Sanders*, 372 U.S. 368, 83 S.Ct. 801, 9 L.Ed. 2d 821 (1963)." [Per District Judge Fox, page 3 of dissenting opinion, and concurred in by Circuit Judge O'Sullivan and District Judge Kent, page 1 of majority opinion.]

Dated: June 16, 1966.

Wendell A. Miles, Attorney for Appellants, Business address: 311 Waters Building, Grand Rapids, Michigan 49502;

[fol. 205] Roger D. Anderson, Attorney for Appellants, Business address: 1107 Mich. Nat'l Bank Building, Grand Rapids, Michigan 49502.

Affidavit of Service (omitted in printing).

[fol. 206]

## SUPREME COURT OF THE UNITED STATES

No. 430—October Term, 1966

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JAMES SAILORS, et al., Appellants,

v.

THE BOARD OF EDUCATION OF THE COUNTY OF KENT, et al.

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ORDER NOTING PROBABLE JURISDICTION—December 5, 1966Appeal from the United States District Court for the  
Western District of Michigan.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted and the case is placed on the summary calendar.

December 5, 1966